

**MONDAY, APRIL 16, 2018**

**SEVENTY-SECOND LEGISLATIVE DAY**

The hour of 4:00 p.m. having arrived, which had been set for the House to reconvene, a quorum of the House was not detected.

**MOTION TO CONVENE PASSED**

Representative Hulsey, pursuant to the House rules, moved that the House convene on Monday, April 16, 2018, at 5:00 p.m. The motion by Representative Hulsey was properly seconded. Without objection, the motion to convene on Monday, April 16, 2018, at 5:00 p.m. prevailed.

**MONDAY, APRIL 16, 2018**

**SEVENTY-SECOND LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Minister Philip Goad, Goodlettsville Church of Christ, Goodlettsville, TN.

Representative Butt led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 95

Representatives present were Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Wirgau, Zachary, Madame Speaker Harwell -- 95

**EXCUSED**

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Holt

**PRESENT IN CHAMBER**

Rep. Windle was recorded as being present in the Chamber.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 1178** Rep. DeBerry as prime sponsor.

**House Bill No. 149** Reps. Moon, Moody, M. White and Hardaway as prime sponsors.

**House Bill No. 268** Reps. Boyd and M. White as prime sponsors.

**House Bill No. 298** Reps. Ragan and J. Sexton as prime sponsors.

**House Bill No. 523** Reps. Littleton, Boyd and Hardaway as prime sponsors.

**House Bill No. 901** Reps. Coley and Powers as prime sponsors.

**House Bill No. 1337** Reps. Dunn and Coley as prime sponsors.

**House Bill No. 1641** Rep. Clemmons as prime sponsor.

**House Bill No. 1782** Reps. Howell, Faison, Williams and M. White as prime sponsors.

**House Bill No. 1793** Reps. Moody, Moon, Ragan and M. White as prime sponsors.

**House Bill No. 1837** Rep. Powers as prime sponsor.

**House Bill No. 1926** Reps. Moon, Carter, Towns, Lollar and Moody as prime sponsors.

**House Bill No. 1935** Rep. Gravitt as prime sponsor.

**House Bill No. 1936** Reps. Moon, Smith, Crawford, Hardaway and Terry as prime sponsors.

**House Bill No. 2217** Rep. M. White as prime sponsor.

**House Bill No. 2271** Reps. Gant, Moon, Vaughan, Staples, Wirgau, Eldridge, M. White, Daniel, Favors and Holsclaw as prime sponsors.

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**House Bill No. 2356** Reps. Dunn, H. Brooks and Staples as prime sponsors.

**House Bill No. 2691** Reps. Moon and Love as prime sponsors.

**SPONSORS REMOVED**

On Motion, Rep. Lynn was removed as sponsor of **House Bill No. 523**.

**MESSAGE FROM THE SENATE**

**April 13, 2018**

MADAM SPEAKER: I am directed to transmit to the House: Senate Joint Resolutions Nos. 822, 825, 827, 828, 829, 830, 831, 832, 833, 834, 835, 837, 838, 839, 840, 841, 842, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 856, 857 and 858 For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS**

**April 13, 2018**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 849, 2279, 2699, 2703, 2705 and 2709; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED**

**April 13, 2018**

The Speaker announced that she had signed the following: Senate Joint Resolutions Nos. 822, 825, 827, 828, 829, 830, 831, 832, 833, 834, 835, 837, 838, 839, 840, 841, 842, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 856, 857 and 858.

TAMMY LETZLER, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 16, 2018**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 889 and 890; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 889** -- Memorials, Recognition - Hey Belle, Robertson County Chamber of Commerce 2018 Business of the Year. by \*Roberts.

**Senate Joint Resolution No. 890** -- Memorials, Recognition - Dustin Thomas, Robertson County Chamber of Commerce 2018 Volunteer of the Year. by \*Roberts.

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Representative Sherrell was recognized in the Well to honor the White County High School archery team, 2018 State Champion.

**RESOLUTION READ**

The Clerk read House Resolution No. 286, adopted April 5, 2018.

**House Resolution No. 286** -- Memorials, Sports - White County High School archery team, 2018 State Champion. by \*Sherrell.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for April 17, 2018:

**House Resolution No. 317** -- Memorials, Interns - Cody William Pyle. by \*Jernigan, \*Beck, \*Windle.

**House Resolution No. 318** -- Memorials, Interns - Jayla Chante' Johnson. by \*Sexton C.

**House Resolution No. 319** -- Memorials, Recognition - Second Chance Month. by \*Gilmore.

**House Resolution No. 320** -- Memorials, Recognition - Annabelle Lovell. by \*Clemmons.

**House Resolution No. 321** -- Memorials, Academic Achievement - Emily Anne Webb. by \*Clemmons.

**House Resolution No. 322** -- Memorials, Death - Dan Smith. by \*Clemmons.

**House Resolution No. 323** -- Memorials, Academic Achievement - Ra'Chandice Brown, Salutatorian, Trezevant High School. by \*Miller.

**House Resolution No. 324** -- Memorials, Academic Achievement - Raven Lockett, Valedictorian, Trezevant High School. by \*Miller.

**House Joint Resolution No. 1209** -- Memorials, Personal Occasion - Sue Ella Caldwell Banks, 100th birthday. by \*Fitzhugh.

**House Joint Resolution No. 1210** -- Memorials, Public Service - Representative Sherry Jones. by \*Fitzhugh.

**House Joint Resolution No. 1211** -- Memorials, Death - Dan Smith. by \*Boyd.

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**House Joint Resolution No. 1212** -- Memorials, Interns - Nicole Lareau. by \*Harwell.

**House Joint Resolution No. 1213** -- Memorials, Academic Achievement - Natalie Hope Olds, Valedictorian, Providence Academy. by \*McDaniel.

**House Joint Resolution No. 1214** -- Memorials, Personal Occasion - Donald and Wilma Gann, 65th anniversary. by \*Keisling.

**House Joint Resolution No. 1215** -- Memorials, Recognition - Dr. Eric Hasemeier. by \*Keisling.

**House Joint Resolution No. 1216** -- Memorials, Public Service - Jody and Hugh Brashear. by \*Matlock.

**House Joint Resolution No. 1217** -- Memorials, Sports - Stratford High School boys' basketball team, TSSAA Class AA State Semi-Finalist. by \*Beck.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for April 17, 2018:

**Senate Joint Resolution No. 889** -- Memorials, Recognition - Hey Belle, Robertson County Chamber of Commerce 2018 Business of the Year. by \*Roberts.

**Senate Joint Resolution No. 890** -- Memorials, Recognition - Dustin Thomas, Robertson County Chamber of Commerce 2018 Volunteer of the Year. by \*Roberts.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2725** -- Rutherford County - Subject to local approval, increases the threshold over which public advertisements and sealed competitive bids or proposals are required to an amount not to exceed \$25,000 for nonemergency and nonproprietary purchases. - Amends Chapter 17 of the Private Acts of 2017. by \*Rudd.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 16, 2018**, reported the following:

**FINANCE, WAYS AND MEANS COMMITTEE**

The Finance, Ways & Means Committee recommended for passage: House Joint Resolution No. 226, also House Bills Nos. 2644, 2646 and 2645 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### GOVERNMENT OPERATIONS COMMITTEE

The Government Operations Committee recommended for passage: House Bill No. 1662, also House Bills Nos. 259 and 1623 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### STATE GOVERNMENT COMMITTEE

It further recommended that the following be referred to the Finance, Ways and Means Committee: Senate Joint Resolution No. 521, also House Bill No. 1941 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar** for **April 17, 2018**: House Bills Nos. 2114, 1028, 785, 2104, and House Joint Resolution No. 226.

The Calendar and Rules Committee met and set the following bills on the **Appropriations Calendar** for **April 17, 2018**: House Bills Nos. 2644, 2646, 2645.

### CONSENT CALENDAR

**\*House Bill No. 2721** -- Silerton - Subject to local approval, rewrites town charter. - Amends Chapter 148 of the Private Acts of 1923; as amended. by \*Shaw.

**\*House Bill No. 2722** -- Hornsby - Subject to local approval, reduces board of mayor and aldermen from seven to five members; deletes all references to town marshal; reduces the number of readings to approve an ordinance from three to two; abolishes the position of treasurer and transfers responsibilities to the recorder; expands authority of the board of mayor and aldermen. - Amends Chapter 112 of the Private Acts of 1920; as amended. by \*Shaw, \*Favors, \*Beck.

**House Bill No. 1613** -- Sunset Laws - As introduced, extends the board of parole for four years to June 30, 2022. - Amends TCA Title 4, Chapter 29 and Title 40, Chapter 28, Part 1. by \*Faison, \*Ragan.

On motion, House Bill No. 1613 was made to conform with **Senate Bill No. 1519**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1641** -- Sunset Laws - As introduced, extends the Tennessee rehabilitative initiative in correction board for four years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2 and Title 41, Chapter 22, Part 4. by \*Faison, \*Ragan.

On motion, House Bill No. 1641 was made to conform with **Senate Bill No. 1564**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2704** -- Crossville - Subject to local approval, expands from four to six the number of councilmembers elected to the city council for the City of Crossville. - Amends Chapter 55 of the Private Acts of 2014. by \*Sexton C.

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**\*Senate Joint Resolution No. 593** -- General Assembly, Directed Studies - Directs the Tennessee Advisory Commission on Intergovernmental Relations to study the overall effects on public education relative to having multiple school districts operating in the same county. by \*Haile, \*Crowe.

**\*House Bill No. 2276** -- Courts, General Sessions - As introduced, authorizes Unicoi County to employ a general sessions court judge full time at an increased salary upon adoption of resolution by two-thirds majority vote of the county legislative body. - Amends TCA Title 16, Chapter 15, Part 50. by \*Holsclaw.

On motion, House Bill No. 2276 was made to conform with **Senate Bill No. 2370**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 314** -- Memorials, Recognition - Reverend Robert J. Morgan. by \*Hill T.

**House Resolution No. 315** -- Memorials, Academic Achievement - Kelly Lin, Salutatorian, Cordova High School. by \*Thompson.

**House Resolution No. 316** -- Memorials, Academic Achievement - Razan Sweileh, Valedictorian, Cordova High School. by \*Thompson.

**House Joint Resolution No. 1178** -- Memorials, Recognition - Ronald Coffin, Frank Young, Constance Hooper Scott, Sylvia Porter, and Gervy Howard. by \*Ramsey, \*Moon.

**House Joint Resolution No. 1193** -- Memorials, Retirement - Bridget Fendler. by \*Hulsey.

**House Joint Resolution No. 1194** -- Memorials, Retirement - Eugene Francis Nolan. by \*Harwell, \*Beck.

**House Joint Resolution No. 1195** -- Memorials, Sports - Loretto High School Mustangs, TSSAA Class A state champions. by \*Doss, \*Byrd.

**House Joint Resolution No. 1196** -- Memorials, Sports - Loretto High School baseball team, 2017 TSSAA Class A State Champions. by \*Doss, \*Byrd.

**House Joint Resolution No. 1197** -- Memorials, Academic Achievement - Maggie Catherine Long, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1198** -- Memorials, Academic Achievement - Hannah Grace Kelly, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1199** -- Memorials, Academic Achievement - Alex Elayne Isbell, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1200** -- Memorials, Academic Achievement - Madeline Elizabeth Grimes, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1201** -- Memorials, Academic Achievement - Lauren Kathleen Graves, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

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**House Joint Resolution No. 1202** -- Memorials, Academic Achievement - Josie Meredith Franks, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1203** -- Memorials, Academic Achievement - Haley Elizabeth Durham, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1204** -- Memorials, Academic Achievement - Jase A. Collier, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1205** -- Memorials, Academic Achievement - Jacob H. Brown, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1206** -- Memorials, Academic Achievement - Magdelene Alford, Top Ten Senior, Summertown High School. by \*Byrd, \*Doss.

**House Joint Resolution No. 1207** -- Memorials, Recognition - Boy Scouts of America Troop 94, 70th anniversary. by \*Hawk.

**House Joint Resolution No. 1208** -- Memorials, Interns - Brock Woods Rowell. by \*Towns.

**OBJECTION--CONSENT CALENDAR**

Objection was filed to the following on the Consent Calendar:

**House Joint Resolution No. 1178:** by Rep. Ramsey

Under the rules, House Joint Resolution No. 1178, was placed at the heel of the calendar for April 17, 2018.

Rep. Beck moved that all members of the Davidson County delegation voting aye on House Joint Resolution No. 1194 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, M. Hill, T. Hill, Holt, Ragan, Reedy and Sherrell.

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Gilmore



**CONSENT CALENDAR, CONTINUED**

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	89
Noes.....	0
Present and not voting.....	3

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Pitts, Powell, Powers, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 89

Representatives present and not voting were: Hardaway, Ramsey, Sanderson -- 3

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 1847** -- Election Laws - As introduced, requires political communications through a social media platform to indicate the person, candidate, or political committee who paid for and, as applicable, authorized the communication. - Amends TCA Section 2-19-120. by \*Powell, \*Hardaway. (\*SB1635 by \*Yarbro)

Further consideration of House Bill No. 1847, previously considered on March 12, 2018, March 26, 2018 and April 2, 2018, at which time it was reset for today's Calendar.

On motion, House Bill No. 1847 was made to conform with **Senate Bill No. 1635**; the Senate Bill was substituted for the House Bill.

Rep. Powell moved that Senate Bill No. 1635 be passed on third and final consideration.

Rep. Wirgau moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

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Rep. Powell moved that **Senate Bill No. 1635** be passed on third and final consideration, which motion failed by the following vote:

Ayes .....	43
Noes.....	33
Present and not voting.....	14

Representatives voting aye were: Akbari, Alexander, Beck, Brooks K., Camper, Carter, Clemmons, Cooper, DeBerry, Doss, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Halford, Hardaway, Hicks, Jernigan, Jones, Kumar, Lamberth, Love, Marsh, McDaniel, Miller, Mitchell, Moon, Pitts, Powell, Ramsey, Sargent, Sexton C., Shaw, Smith, Staples, Stewart, Thompson, Tillis, Towns, Turner, Windle, Wirgau -- 43

Representatives voting no were: Boyd, Brooks H., Butt, Byrd, Calfee, Coley, Crawford, Gant, Goins, Hill M., Hill T., Holsclaw, Hulsey, Johnson, Kane, Keisling, Littleton, Lollar, Lynn, Matheny, Matlock, Moody, Powers, Reedy, Rudd, Sanderson, Sexton J., Sherrell, Terry, Van Huss, White D., Williams, Zachary -- 33

Representatives present and not voting were: Casada, Curcio, Dunn, Faison, Gravitt, Howell, McCormick, Ragan, Sparks, Travis, Vaughan, White M., Whitson, Madame Speaker Harwell -- 14

Senate Bill No. 1635 , having failed to receive a constitutional majority, was thereby referred to the Committee on Calendar and Rules.

**House Bill No. 2432** -- Energy - As introduced, requires commissioner of general services to prepare a report of all state departments and agencies utilizing energy savings performance contracting to reduce energy and water use in state buildings; requires the commissioner to transmit the report electronically to the governor and each member of the general assembly no later than January 15, 2019. - Amends TCA Title 4 and Title 12. by \*White M. (\*SB2397 by \*Yager)

Rep. M. White moved that House Bill No. 2432 be passed on third and final consideration.

Rep. Halford moved adoption of Agriculture and Natural Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2432 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by adding the following new section:

(a) Notwithstanding any law to the contrary, for purposes of developing and implementing up to five (5) energy performance or guaranteed energy savings contract pilot projects for state-owned buildings and facilities, state

procurement agencies may enter into an energy performance or guaranteed energy savings contract using alternative procurement or contracting vehicles, including, but not limited to, existing in-state and out-of-state government contracts that have been competitively procured, that incorporate energy savings into the scope of work to be performed under the contract, and that expressly authorize other contracting entities to execute contracts or price agreements under the terms and conditions of the master contract on behalf of a department, institution, agency, or campus having control of, or responsibility for, the management or operation of buildings and facilities; provided, that the contract award meets the requirements of § 12-4-110 relative to energy-related service contracts for counties, cities, metropolitan governments, towns, utility districts, and other municipal and public corporations of the state. Such contracts are subject to approval by the state building commission.

(b) All projects implemented under an energy performance or guaranteed energy savings contract under subsection (a) are deemed to be pilot projects and shall be limited to the following energy conservation measures:

- (1) Building envelope weatherization;
- (2) Building automation controls;
- (3) Lighting retrofits and controls;
- (4) Water conservation, HVAC, chiller plant, boiler plant, or other mechanical modifications; and
- (5) Submetering to measure performance of controls or systems.

(c) For the duration of each individual contract, an annual measurement and verification audit utilizing generally accepted auditing standards, such as the International Performance Measurement and Verification Protocol, shall be conducted, and the related audit report will include, but not be limited to, energy savings achieved, energy savings targets met or exceeded, energy savings targets missed, and guarantees paid by the energy service company executing the contract. The annual measurement and verification audit shall be conducted by, and the related audit report shall be prepared by, a third-party at the expense of the energy service company executing the contract. Each audit report shall be submitted annually by the state department, institution, or agency participating in one (1) or more pilot projects to the department of environment and conservation's office of energy programs within thirty (30) days following the close of the fiscal year. The department of environment and conservation's office of energy programs shall submit the data to the governor, the commissioner of the department of environment and conservation, state procurement agencies, the state building commission, the comptroller of the treasury, the speaker of the senate, and the speaker of the house of representatives no later than August 31 for each year in which each project is implemented and in effect.

(d) Any energy performance or guaranteed energy savings contract executed in accordance with this section must reach substantial completion of energy conservation measures on or before December 31, 2020.

(e) The commissioner of environment and conservation, in cooperation with the state procurement agencies participating in one (1) or more pilot projects under this section, shall submit a report summarizing the results of each pilot project implemented under this section to the governor, the comptroller of the treasury, the speaker of the senate, and the speaker of the house of representatives no later than June 30, 2022.

(f) This section shall not limit the availability of appropriate state agencies to otherwise enter into energy performance or guaranteed energy savings contracts.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Agriculture and Natural Resources Committee Amendment No. 1 was adopted.

Rep. M. White moved that **House Bill No. 2432**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes.....	0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Moon, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

A motion to reconsider was tabled.

**Senate Bill No. 1302** -- Child Abuse - As introduced, requires the department of children's services to develop instructional guidelines for child safety training programs for members of professions that frequently deal with children who may be at risk of abuse; requires certain licensing boards to create child safety training programs; requires certain professionals to complete the appropriate child safety training program prior to license renewal. - Amends TCA Title 37, Chapter 1, Part 4; Title 49, Chapter 5, Part 1; Title 63, Chapter 23; Title 63, Chapter 6, Part 2; Title 63, Chapter 7, Part 1 and Title 63, Chapter 9. by \*Harris, \*Yarbro. (\*HB1337 by \*Hardaway, \*Akbari, \*Camper, \*Cooper, \*Favors, \*Jones, \*Hazlewood, \*Stewart, \*Casada, \*White M, \*Turner, \*Thompson, \*Love, \*Clemmons, \*Gilmore)

Further consideration of Senate Bill No. 1302, previously considered on April 24, 2017, April 26, 2017, April 27, 2017 and May 3, 2017, at which time the House substituted the Senate Bill for the House Bill, withdrew Amendments Nos. 1 and 2, it failed to receive a constitutional majority and it was re-referred to the Calendar and Rules Committee

Rep. Hardaway moved that Senate Bill No. 1302 be passed on third and final consideration.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 3, as follows:

**Amendment No. 3**

AMEND Senate Bill No. 1302 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 4, is amended by adding the following as a new, appropriately designated section:

(a) By January 1, 2019, the department of education shall develop guidelines on the best practices for identifying and reporting signs of child abuse, child sexual abuse, and human trafficking in which the victim is a child. The department shall use the guidelines to identify child abuse training programs appropriate for teachers. The programs identified by the department must train teachers on the common signs of child abuse, child sexual abuse, and human trafficking in which the victim is a child; how to identify children at risk of abuse, sexual abuse, or human trafficking; maintenance of professional and appropriate relationships with students; and the requirements for reporting suspected child abuse and sexual misconduct.

(b) Beginning with the 2019-2020 school year, each LEA shall ensure teachers annually complete a child abuse training program identified by the department of education pursuant to subsection (a) or by the department of children's services. Each LEA shall annually report its compliance with this section to the department of education.

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SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 3, was adopted.

Rep. Hardaway moved that House Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Hardaway moved that House Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Hardaway moved that **Senate Bill No. 1302**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Moon, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Rep. Daniel was recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1837** -- TennCare - As introduced, extends the termination date of the ground ambulance service provider assessment from June 30, 2018, to June 30, 2019. - Amends TCA Title 5; Title 7; Title 56; Title 68 and Title 71. by \*Reedy. (SB1823 by \*Yager)

Rep. Reedy moved that House Bill No. 1837 be passed on third and final consideration.

Rep. Travis moved adoption of Insurance and Banking Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1837 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 15, is amended by deleting the part and substituting instead the following:

**71-5-1501.**

(a) This part shall be known and may be cited as the "Ground Ambulance Service Provider Assessment Act."

(b) The intent of this part is to enhance EMS services and improve access to emergency medical pre-hospital care in this state.

**71-5-1502.**

As used in this part:

(1) "Ambulance provider" means a public or private ground-based ambulatory service, other than an ambulance service based on federal property, that bills for transports and has a base of operations within the state;

(2) "Assessment" means the medicaid ambulance provider assessment established by this part;

(3) "Bureau" means the bureau of TennCare;

(4) "Medicaid transport" means ground ambulance services specified in the Healthcare Common Procedure Coding System (HCPCS) under codes A0225, A0426, A0427, A0428, A0429, A0433, and A0434, and paid by medicaid, as recorded by the managed care organization under contract to the bureau;

(5) "Net operating revenue" means all revenues, regardless of payer source, collected by ambulance providers for patient services excluding charity care or any other uncompensated patient services, in accordance with 42 CFR 433.68;

(6) "Office of emergency medical services" means the office of emergency medical services within the department of health; and

(7) "Total transports" means all transports reported during the base period by a provider to the office of emergency medical service.

**71-5-1503.**

(a) An ambulance provider shall pay an assessment to the bureau:

(1) In accordance with this part;

(2) In the amount designated in § 71-5-1504;

(3) Quarterly, on a day determined by the bureau; and

(4) No more than thirty (30) business days after the day on which the bureau issues the ambulance provider notice of the assessment.

(b) The bureau shall:

(1) Determine the standards and procedures used to implement and enforce this part;

(2) Collect the assessment described in subsection (a);  
and

(3) Transfer assessment proceeds to the state treasurer for deposit into the ambulance service assessment revenue fund created in § 71-5-1507.

(c) An ambulance provider shall not increase charges or add a surcharge to ground transports based on, or as a result of, the assessment described in subsection (a).

**71-5-1504.**

(a) The bureau shall calculate a uniform assessment per ground transport for each ambulance provider pursuant to subsection (b).

(b) Except as otherwise provided in subsection (c), each quarter of the state fiscal year, the assessment due from each ambulance provider will equal the rate set in subsection (e) multiplied by each provider's transport totals reported from the most recent available completed quarter of transport data recorded by the office of emergency medical services. Ambulance providers will be required to submit a quarterly reporting of all transports to the office of emergency medical services in a manner determined by the office of emergency medical services and the bureau.

(c) In the event that quarterly transport data is not adequate or available for the calculation of assessments, the bureau shall use total transports submitted to the office of emergency medical services for calendar year 2017. The adequacy and availability of the data shall be determined solely by the bureau.



(d) The bureau shall apply any annual changes to the assessment rate, calculated as described in subsection (b), uniformly to all assessed ambulance providers.

(e) The assessment shall generate the lesser of:

(1) Nine dollars and nine cents (\$9.09) per each medicaid transport; or

(2) In the event that nine dollars and nine cents (\$9.09) per transport causes the statewide assessment to exceed six percent (6%) of statewide net operating revenues, the per transport assessment will equal an amount that shall generate six percent (6%) of statewide net operating revenues.

(f) No more than ninety (90) days after the end of each calendar year, each ambulance provider shall submit revenue reports to the bureau for that entity's most recent fiscal year that ended at least ninety (90) days before this due date.

(g) The comptroller is granted audit authority to test the accuracy of any and all net patient service revenue reports submitted to the bureau for the purposes of this assessment. The comptroller is authorized to impose penalties on providers that do not submit revenue reports, including, but not limited to, fines determined by the comptroller.

**71-5-1505.**

(a) Upon approval by the centers for medicare and medicaid services of the assessment imposed by this part, the bureau shall reimburse each ambulance provider with qualifying ground ambulance service medicaid transports in an amount calculated by the bureau. This calculation will be determined by the bureau's estimate of assessment collections and the resulting available program funding, less an annual amount of seventy-five thousand dollars (\$75,000) to offset medicaid administration expenses and an annual amount of eighty thousand dollars (\$80,000) to offset administrative expenses for the Tennessee Ambulance Services Association. If less than these amounts is needed to offset the administrative expenses, the bureau shall only deduct the amount needed. The bureau's estimate of assessment collections and the resulting program funding, netting out any amounts for offset administrative expenses, must be divided by the bureau's projected number of medicaid transports. The resulting amounts will be the additional payment amount made for each medicaid transport reported by the MCO's on a quarterly basis. This amount may change from quarter to quarter.

(b) The bureau shall disburse supplemental payments to ambulance providers based on medicaid transports from the base period

as determined by the bureau and as authorized by the centers for medicare and medicaid services.

**71-5-1506.**

(a) The bureau has the authority to create policy measures that ensure the enforcement and compliance of this part. The bureau shall require an ambulance provider that fails to pay an assessment due under this part to pay the bureau, in addition to the assessment, a penalty determined by the bureau. Enforcement measures determined by the bureau shall include, but not be limited to, recoupments, withholds of future payments, and loss of medicaid ID.

(b) The bureau shall require ambulance providers to submit quarterly transport count data for all transports to the office of emergency services within thirty (30) days of the end of the quarter.

**71-5-1507.**

(a) There is created a special agency account in the state general fund to be known as the "ambulance service assessment revenue fund," referred to in this part as the "fund." The fund shall continue without interruptions and shall be operated in accordance with this section.

(b) Unless otherwise specified in this part, revenue generated from the following sources must be deposited in the fund:

- (1) Assessments collected by the bureau under this part;
- (2) Penalties collected by the bureau under this part;
- (3) Donations to the fund from private sources; and
- (4) Investment earnings credited to the fund.

(c) Any fund balance remaining unexpended at the end of a fiscal year carries forward into the subsequent fiscal year and shall not be diverted to the general fund or any other public fund.

(d) Interest accruing on investments and deposits of the fund carries forward into the subsequent fiscal year and shall not be diverted to the general fund or any other public fund.

(e) The state treasurer shall invest the moneys in the fund in accordance with the provisions of § 9-4-603. The bureau shall administer the funds.

(f) Moneys in the fund must not be diverted to the general fund or any other public fund or any other third party, and moneys in the fund may only be used to:

(1) Create supplemental or directed payments for ground ambulance providers; and

(2) Reimburse the amounts designated in § 71-5-1505 for the purpose of administrative expenses.

(g) In the event that this part is rendered invalid and void:

(1) To the extent federal matching is not reduced due to the impermissibility of the assessments, the bureau shall disburse pursuant to subsection (f) the moneys remaining in the fund that were derived from assessments imposed by this part and deposited before the occurrence of the invalidating event; and

(2) Following disbursement of moneys in the fund pursuant to subdivision (g)(1), the bureau shall refund any remaining moneys to each ambulance provider in proportion to the amount paid by the respective provider during the most recently completed quarterly payment period.

**71-5-1508.**

(a) The assessment in this part shall not be implemented until after the bureau receives notice from the centers for medicare and medicaid services that approval for the assessment is granted.

(b) The bureau shall implement this part to the extent that it is not inconsistent with the TennCare II federal waiver or any successor federal waiver.

(c) Within ninety (90) days after the date this part becomes law, the bureau shall determine whether an amendment to the TennCare II waiver or any successor federal waiver is required to implement this part. If the bureau determines that an amendment to the TennCare II federal waiver or any successor federal waiver is necessary, the bureau is authorized to seek any necessary waiver amendment and the assessment in this part must not take effect until the waiver amendment is approved.

(d) The ground ambulance provider assessment established by this part terminates on June 30, 2019.

**71-5-1509.**

The bureau is authorized to promulgate rules to effectuate the purposes of this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then all provisions and applications of this act shall be invalid and void.

SECTION 3. For the purpose of rulemaking and the submission revenue reports, transports data, and other data necessary to implement this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2018, the public welfare requiring it.

On motion, Insurance and Banking Committee Amendment No. 1 was adopted.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 1837 by deleting the following language from § 71-5-1504(g) in Section 1:

The comptroller is authorized to impose penalties on providers that do not submit revenue reports, including, but not limited to, fines determined by the comptroller.

and substituting instead the following:

The bureau is authorized to impose penalties on providers that do not submit revenue reports, including, but not limited to, fines determined by the bureau.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Reedy moved that **House Bill No. 1837**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes.....	4
Present and not voting.....	2

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Pitts, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Wirgau, Zachary, Madame Speaker Harwell -- 87

Representatives voting no were: Clemmons, Lynn, Terry, Windle -- 4

Representatives present and not voting were: Moon, Powell -- 2

A motion to reconsider was tabled.

**\*House Bill No. 2356** -- Taxes, Real Property - As introduced, increases from 10 to 12 years the minimum time for which the assessor of property must retain records of the county board of equalization. - Amends TCA Title 67, Chapter 5. by \*Matlock, \*Smith. (SB2276 by \*Pody, \*Briggs)

Rep. Matlock moved that House Bill No. 2356 be passed on third and final consideration.

Rep. Wirgau moved adoption of Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2356 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-212(b)(3), is amended by adding the following language as a new subdivision (D):

In any county with a population of not less than four hundred thirty-two thousand two hundred (432,200) nor more than four-hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census, or within a municipality located within such county, if a nonprofit children's hospital changes the use of one (1) or more parcels of land or portions thereof for the purpose of carrying out one (1) or more of the exempt purposes for which the institution was created or exists, the institution may claim and file an application for exemption under this section or § 67-5-213, and the effective date of such exemption shall be up to three (3) years prior to the date of application, or the date the institution began to use the property for exempt purposes, whichever is later. In determining the date that a qualifying institution begins using property for an exempt purpose, § 67-5-212(g) applies to the full extent of both improvements and underlying real property so that the entire property, to the extent that the full value of underlying land and any improvements thereon, is considered to be occupied and used by the qualifying institution or its officers purely and exclusively for the institution's purposes from and after the commencement of construction of improvements. This subdivision (b)(3)(D) applies to properties acquired before the effective date of this act so that such properties are not subject to taxation under this chapter while owned by the qualifying institution and used for one (1) or more of the exempt purposes for which the institution was created or exists, and any property taxes paid on such property that were collected prior to the effective date of this act shall be refunded.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Local Government Committee Amendment No. 1 was adopted.

Rep. Matlock moved that **House Bill No. 2356**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Favors, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 94

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 2356** and have this statement entered in the Journal: Rep. Faison.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1935** -- Insurance Companies, Agents, Brokers, Policies - As introduced, authorizes certain insureds, or other persons entitled to benefits under a policy, to assign their benefits to a healthcare provider; authorizes an insurer to disregard such assignments under certain circumstances; prohibits healthcare providers, and healthcare facilities and providers in such facilities, from collecting out-of-network charges unless certain requirements are met. - Amends TCA Title 8; Title 56; Title 63 and Title 68. by \*Zachary, \*Moon. (\*SB1869 by \*Lundberg, \*Massey)

On motion, House Bill No. 1935 was made to conform with **Senate Bill No. 1869**; the Senate Bill was substituted for the House Bill.

Rep. Zachary moved that Senate Bill No. 1869 be passed on third and final consideration.

Rep. K. Brooks moved that Pensions and Insurance Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Travis moved that Insurance and Banking Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

**MONDAY, APRIL 16, 2018 -- SEVENTY-SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Travis moved that Insurance and Banking Committee Amendment No. 2, as House Amendment No. 3, be withdrawn, which motion prevailed.

Rep. Zachary moved that **Senate Bill No. 1869** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Rep. Holt was recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1936** -- Criminal Offenses - As introduced, enacts "Henry's Law"; requires that a person convicted for second degree murder resulting from unlawful distribution of Schedule I or II drug where victim is a minor be sentenced, at a minimum, as a Range II offender. - Amends TCA Section 39-13-210 and Title 40, Chapter 35. by \*Zachary, \*Carter, \*Kane, \*Curcio, \*Lamberth. (\*SB1875 by \*Massey, \*McNally, \*Jackson)

Rep. Zachary requested that House Bill No. 1936 be moved down five places on today's Calendar, which motion prevailed.

**House Bill No. 1952** -- Taxes, Ad Valorem - As introduced, authorizes governing bodies to exclude from taxable value of property appearing on the assessment roll, the taxable value of properties subject to tax increment financing and properties within areas where an economic impact plan has been approved. - Amends TCA Title 67. by \*Crawford. (\*SB1923 by \*Lundberg)

On motion, House Bill No. 1952 was made to conform with **Senate Bill No. 1923**; the Senate Bill was substituted for the House Bill.

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Rep. Crawford moved that **Senate Bill No. 1923** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Rep. Parkinson was recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 901** -- TennCare - As introduced, requires the bureau of TennCare, on and after October 1, 2017, to monitor opioid prescriptions by enrollees; imposes prior authorization requirements for opioid prescriptions for enrollees in certain circumstances; requires exemptions from prior authorization for enrollees with certain medical conditions. - Amends TCA Title 71. by \*Kumar, \*Johnson, \*Brooks K, \*Swann, \*Ramsey, \*Littleton, \*Lamberth, \*Love, \*Hardaway, \*Calfee, \*Jernigan, \*Staples, \*Pitts, \*Rogers, \*Weaver, \*Butt, \*White D, \*Eldridge, \*Howell. (SB1227 by \*Massey, \*Crowe, \*Overbey)

Rep. Kumar moved that House Bill No. 901 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 901 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-5-197, is amended by adding the following as a new subsection (f):



(f)

(1) The bureau of TennCare shall promulgate rules to promote the safe and responsible coverage of opioids for TennCare members who have the TennCare pharmacy benefit. The rules must, at a minimum, address prior authorization requirements for opioid prescriptions, as determined by the bureau, to reduce the development of opioid dependency and addiction. For women of child-bearing age, when prior authorization is required for an opioid prescription, the rules must require the provider to submit information regarding pregnancy status, contraceptive use, and the provision of counseling regarding the risks of becoming pregnant while receiving opioid medication. The information regarding pregnancy status and contraceptive use may, when appropriate, be based on self-reporting by the patient.

(2) The rules required by this subsection (f) shall be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. On or before January 1, 2019, the bureau shall report to both the health and welfare committee of the senate and the health committee of the house of representatives regarding the status of the rules required by this subsection (f).

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Powers moved the previous question, which motion prevailed.

Rep. Kumar moved that **House Bill No. 901**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	4
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Moon, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell --  
91

Representatives voting no were: Jones, Mitchell, Parkinson, Stewart -- 4

**MONDAY, APRIL 16, 2018 -- SEVENTY-SECOND LEGISLATIVE DAY UNOFFICIAL  
VERSION**

Representatives present and not voting were: Cooper -- 1

A motion to reconsider was tabled.

**\*House Bill No. 298** -- Taxes - As introduced, exempts methanol from gasoline and petroleum taxes when not blended or composed of other motor fuels. - Amends TCA Title 9; Title 54; Title 55 and Title 67. by \*Windle, \*Keisling. (SB692 by \*Yager)

Further consideration of House Bill No. 298, previously considered on February 5, 2018 and February 12, 2018, at which time it was re-referred to the Transportation Committee.

On motion, House Bill No. 298 was made to conform with **Senate Bill No. 692**; the Senate Bill was substituted for the House Bill.

Rep. Windle moved that Senate Bill No. 692 be passed on third and final consideration.

Rep. Doss moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 692 by deleting the following amendatory language from Section 1:

There shall be exempt from the taxes imposed in §§ 67-3-201 and 67-3-202 methanol

and by substituting instead the following new language:

There shall be exempt from the taxes imposed in §§ 67-3-201 and 67-3-202 and by chapter 6 of this title methanol

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Windle moved that **Senate Bill No. 692**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes.....	2
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss,

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Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

Representatives voting no were: Gravitt, Howell -- 2

Representatives present and not voting were: Moon -- 1

A motion to reconsider was tabled.

**\*House Bill No. 2691** -- Juvenile Offenders - As introduced, requires any juvenile who is adjudicated delinquent for conduct that would constitute a homicide offense if committed by an adult to be, at a minimum, committed to the department of children's services for one year or until the juvenile turns 19 years of age, whichever occurs first. - Amends TCA Title 37, Chapter 1. by \*Alexander. (SB2705 by \*Bowling)

On motion, House Bill No. 2691 was made to conform with **Senate Bill No. 2705**; the Senate Bill was substituted for the House Bill.

Rep. Alexander moved that Senate Bill No. 2705 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2705 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131, is amended by adding the following new subsection:

(d)

(1) Notwithstanding this section to the contrary, a juvenile who is adjudicated delinquent for conduct that, if committed by an adult, would constitute one (1) of the offenses set out in subdivision (d)(3) shall be committed to the department of children's services for a period of not less than one (1) year; provided, that for the offenses listed in subdivisions (d)(3)(D) and (E), a court may, upon a finding of good cause, order a commitment for a term of less than one (1) year or decline to order a commitment.

(2) The commitment required by subdivision (d)(1) must be the least restrictive disposition permissible for an applicable juvenile, and nothing in this subsection (d) prohibits the court from:

(A) Transferring a juvenile to which this section applies to adult court to stand trial as an adult as provided in § 37-1-134;

(B) Extending the term of commitment beyond the one-year minimum required by this subsection (d); or

(C) Any other dispositional alternative more restrictive than this subsection (d).

(3) The offenses to which this subsection (d) applies are:

(A) First degree murder, as prohibited by § 39-13-202;

(B) Second degree murder, as prohibited by § 39-13-210;

(C) Voluntary manslaughter, as prohibited by § 39-13-211;

(D) Criminally negligent homicide, as prohibited by § 39-13-212;  
and

(E) Reckless homicide, as prohibited by § 39-13-215.

SECTION 2. This act shall be known and may be cited as "Sienna's Law."

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to all applicable delinquent acts occurring on or after that date.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Alexander moved that **Senate Bill No. 2705**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95

Noes ..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 95

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "not voting" to "aye" on **Senate Bill No. 2705** and have this statement entered in the Journal: Reps. Byrd and Van Huss.

REGULAR CALENDAR, CONTINUED

**House Bill No. 1936** -- Criminal Offenses - As introduced, enacts "Henry's Law"; requires that a person convicted for second degree murder resulting from unlawful distribution of Schedule I or II drug where victim is a minor be sentenced, at a minimum, as a Range II offender. - Amends TCA Section 39-13-210 and Title 40, Chapter 35. by \*Zachary, \*Carter, \*Kane, \*Curcio, \*Lamberth. (\*SB1875 by \*Massey, \*McNally, \*Jackson)

Further consideration of House Bill No. 1936, previously considered on today's Regular Calendar.

On motion, House Bill No. 1936 was made to conform with **Senate Bill No. 1875**; the Senate Bill was substituted for the House Bill.

Rep. Zachary moved that Senate Bill No. 1875 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1875 by deleting subdivision (2) in the amendatory language of Section 2 and substituting instead the following:

(2) Notwithstanding the Tennessee Criminal Sentencing Reform Act of 1989, compiled in title 40, chapter 35, a person convicted of a violation of subdivision (a)(2) where the victim is a minor shall be punished from within one (1) range higher than the sentencing range otherwise appropriate for the person.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Zachary moved that **Senate Bill No. 1875**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn,

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Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 95

A motion to reconsider was tabled.

**\*House Bill No. 2692** -- Alcoholic Beverages - As introduced, designates The Caverns in Grundy County as a premier type tourist resort for purposes of selling alcoholic beverages for consumption on premises. - Amends TCA Section 57-4-102. by \*Alexander, \*Matheny. (SB2706 by \*Bowling)

On motion, House Bill No. 2692 was made to conform with **Senate Bill No. 2706**; the Senate Bill was substituted for the House Bill.

Rep. Alexander moved that Senate Bill No. 2706 be passed on third and final consideration.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2706 by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 57-4-102(26), is amended by adding the following new subdivision:

( ) A commercially operated facility that:

(i) Operates as a community performing arts and civics center in a city with a population of not less than eighteen thousand six hundred fifty (18,650) and not more than eighteen thousand six hundred fifty-nine (18,659), according to the 2010 or any subsequent federal census;

(ii) Was originally built as a school in 1886;

(iii) Contains an auditorium with a full stage, a proscenium arch, and seating for not less than four hundred (400) persons; and

(iv) Contains conference and meeting rooms and a local history museum;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1 was adopted.

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Rep. Alexander moved that **Senate Bill No. 2706**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	71
Noes.....	17
Present and not voting.....	8

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Holsclaw, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Kumar, Lamberth, Littleton, Marsh, Matheny, McDaniel, Miller, Mitchell, Moon, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Shaw, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Vaughan, Weaver, White D., Whitson, Williams, Wirgau, Madame Speaker Harwell -- 71

Representatives voting no were: Brooks H., Brooks K., Butt, Dunn, Hill M., Hill T., Holt, Keisling, Lollar, Lynn, Matlock, Moody, Sexton J., Van Huss, White M., Windle, Zachary -- 17

Representatives present and not voting were: Byrd, DeBerry, Doss, Powers, Rudd, Sherrell, Smith, Sparks -- 8

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 2706** and have this statement entered in the Journal: Rep. Love.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 149** -- Criminal Procedure - As introduced, prohibits a person charged with incest from participating in judicial diversion. - Amends TCA Section 40-35-313. by \*Hazlewood, \*Sexton C, \*Sherrell, \*Carter. (SB280 by \*Lundberg)

Rep. Hazlewood moved that House Bill No. 149 be passed on third and final consideration.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 149 by deleting the effective date section and substituting instead the following:

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SECTION \_\_\_\_\_. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to orders of deferral entered on or after that date.

On motion, Finance, Ways & Means Committee Amendment No. 1 was adopted.

Rep. Hazlewood moved that **House Bill No. 149**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 97

A motion to reconsider was tabled.

**House Bill No. 1865** -- Pensions and Retirement Benefits - As introduced, authorizes board of trustees for the Tennessee consolidated retirement system to co-invest a political subdivision's pension plan assets or take custody of such assets under certain circumstances. - Amends TCA Section 9-3-507. by \*Hazlewood. (\*SB1719 by \*Stevens, \*Yarbro)

On motion, House Bill No. 1865 was made to conform with **Senate Bill No. 1719**; the Senate Bill was substituted for the House Bill.

Rep. Hazlewood moved that **Senate Bill No. 1719** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 98



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A motion to reconsider was tabled.

**\*House Bill No. 2217** -- Taxes, Exemption and Credits - As introduced, allows for the angel investor tax credit being measured by the value of an indirect or direct cash investment by an angel investor against the Hall income tax liability of the angel investor. - Amends TCA Section 67-2-125. by \*Hazlewood. (SB2647 by \*Watson)

Rep. Hazlewood moved that **House Bill No. 2217** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 96

A motion to reconsider was tabled.

**\*House Resolution No. 192** -- Basic Education Program (BEP) - Confirms proposed changes in the basic education program funding formula. by \*Hawk, \*Casada, \*Pitts.

Rep. Hawk moved adoption of **House Resolution No. 192**, which motion prevailed by the following vote:

Ayes ..... 97  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 97

A motion to reconsider was tabled.

**\*House Bill No. 1782** -- Motor Vehicles - As introduced, bans counties in attainment status from entering into or renewing contracts regarding vehicle inspection and maintenance programs to maintain compliance with national ambient air quality standards. - Amends TCA Title 55 and Title 68. by \*Carter, \*Sparks, \*Terry, \*Rudd, \*Lynn, \*Boyd. (SB2656 by \*Watson, \*Gardenhire, \*Ketron, \*Haile, \*Pody)

Rep. Carter moved that House Bill No. 1782 be passed on third and final consideration.

Rep. Halford moved adoption of Agriculture and Natural Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1782 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-201-119, is amended by designating the current language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) Notwithstanding subsection (a) or any other law to the contrary, no inspection and maintenance program shall be employed in this state on or after the effective date of this act, except in accordance with Section 2.

(2) If at any time under the federal Clean Air Act, compiled in 42 U.S.C. § 7401 et seq., an inspection and maintenance program is mandated instead of available as a voluntary state implementation plan measure in any county of this state, then subdivision (b)(1) shall not apply in that county.

SECTION 2. An inspection and maintenance program may be employed in a county that, on the effective date of this act, has a local air pollution control program and implements its own inspection and maintenance program, if the county authorizes the continuation of its own inspection and maintenance program by action of its governing body; provided, that in order to authorize the continuation of the inspection and maintenance program, the governing body must authorize the continuation within thirty (30) days of the effective date of this act, and the presiding officer of the county governing body must furnish a certified copy of the approved resolution to the technical secretary of the air pollution control board within sixty (60) days of the effective date of this act.

SECTION 3. The Tennessee air pollution control board is authorized to promulgate rules to effectuate the purposes of this act. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. Any new contract between the department or a local government and a contractor providing inspection services, any new contract between a local government and the department relative to the inspection and maintenance program, and any renewals of such contracts occurring after the effective date of this act, shall include a provision stating that the contract must conform to any changes in state law. Any existing contracts as described in this section shall be amended to include a provision stating that the contract must conform to any changes in state law.

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 6.

(a) Section 1 shall take effect one hundred twenty (120) calendar days following the date on which the United States environmental protection agency (EPA) approves a revised state implementation plan consistent with this act, the public welfare requiring it; provided, however, that if on such date, a contract exists between the department and a contractor providing inspection services, then Section 1 shall take effect upon the date of the contract's termination or expiration, the public welfare requiring it. For all other purposes, this act shall take effect upon becoming a law, the public welfare requiring it.

(b)

(1) The commissioner of environment and conservation shall certify in writing to the executive secretary of the Tennessee code commission the date of the approval by the EPA described in Section 6(a) and provide the executive secretary of the commission with a copy of such approval.

(2) If a contract exists on the date one hundred twenty (120) calendar days following the date of approval of the revised state implementation plan, then the commissioner shall also certify in writing the date of the department's contract termination or expiration, and provide the executive secretary of the commission with a copy of the signed document.

On motion, Agriculture and Natural Resources Committee Amendment No. 1 was adopted.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 1782 by inserting the following new section immediately preceding the penultimate section and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 55-4-104, is amended by adding the following as a new subsection:

( ) Any county that ceases to have an inspection and maintenance program pursuant to Section 1(b)(1) of this act may, by action of its governing body, increase the amount of any clerk's fee imposed on any initial registration, or at the time of renewal, by an amount up to four dollars (\$4.00). Of any increase up to four dollars (\$4.00), the clerk shall retain one dollar (\$1.00) and remit, as directed by the county governing body, the balance of any funds to the county general fund.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Carter moved that House Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Carter moved that **House Bill No. 1782**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 96

A motion to reconsider was tabled.

**House Bill No. 1793** -- Civil Procedure - As introduced, creates a civil cause of action against a person who brings a civil action in whole or in part to harass or maliciously injure another; creates an Abusive Civil Action Offender registry and prohibits persons on the registry from commencing or continuing a civil action without permission of the court. - Amends TCA Title 29. by \*Carter, \*Farmer. (\*SB1601 by \*Yager)

Rep. Carter moved that House Bill No. 1793 be passed on third and final consideration.

Rep. Farmer moved adoption of Civil Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1793 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as a new chapter:

**29-40-101.** As used in this chapter:

(1) "Abusive civil action" means a civil action filed by a plaintiff:

(A) Against a defendant with whom the plaintiff shares a civil action party relationship;

(B) Primarily to harass or maliciously injure the defendant; and

(C) When at least one (1) of the following factors are applicable:

(i) Claims, allegations, and other legal contentions made in the civil action are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(ii) Allegations and other factual contentions made in the civil action are without the existence of evidentiary support; or

(iii) Issue or issues that are the basis of the civil action have previously been filed in one (1) or more other courts or jurisdictions by the same, and the actions have been litigated and disposed of unfavorably to the plaintiff;

(2) "Abusive civil action plaintiff" means a person who files a civil action that a court of record has determined to be an abusive civil action and against whom prefiling restrictions have been imposed pursuant to this chapter;

(3) "Civil action" means a civil action, as defined in Rule 2 of the Tennessee rules of civil procedure;

(4) "Civil action defendant" means a person or persons against whom a civil action has been filed that a court of record has determined to be an abusive civil action and imposed prefiling restrictions against the abusive civil action plaintiff pursuant to this chapter;

(5) "Civil action party relationship" means the plaintiff commencing a civil action and the civil action defendant fall within one (1) of the following categories:

(A) Adults who are current or former spouses;

(B) Adults who live together or who have lived together;

(C) Adults who are dating or who have dated or who have or had a sexual relationship. As used in this subdivision (5)(C), "dating" and

"dated" do not include fraternization between two (2) individuals in a business or social context;

(D) Adults related by blood or adoption;

(E) Adults who are related or were formerly related by marriage;  
or

(F) Adult children of a person in a relationship that is described in subdivisions (5)(A)-(E); and

(6) "Harass or maliciously injure" means the civil action determined to be an abusive civil action was filed with the intent or was primarily designed to:

(A) Exhaust, deplete, impair, or adversely impact the civil action defendant's financial resources unless:

(i) Punitive damages are requested and appropriate; or

(ii) A change in the circumstances of the parties provides a good faith basis to seek a change to a financial award, support, or distribution of resources;

(B) Prevent or interfere with the ability of the civil action defendant to raise a child or children for whom the civil action defendant has legal custody in the manner the civil action defendant deems appropriate unless the civil action plaintiff has a lawful right to interfere and a good faith basis for doing so;

(C) Force, coerce, or attempt to force or coerce the civil action defendant to agree to or make adverse concessions concerning financial, custodial, support, or other issues when the issues in question have been previously litigated and decided in favor of the civil action defendant;

(D) Force, coerce, or attempt to force or coerce the civil action defendant to alter, engage in, or refrain from engaging in conduct when the conduct is lawful and is conduct in which the civil action defendant has the right to engage;

(E) Impair, or attempt to impair the health or well-being of the civil action defendant or a dependent of the civil action defendant;

(F) Prevent, interfere, or adversely impact the ability of the civil action defendant to pursue or maintain a livelihood or lifestyle at the same or better standard as the civil action defendant enjoyed prior to the filing of the action primarily for the purpose of harassing or maliciously injuring the civil action defendant; or

(G) Impair, diminish, or tarnish the civil action defendant's reputation in the community or alienate the civil action defendant's friends, colleagues, attorneys, or professional associates by subjecting parties without knowledge of or not reasonably relevant to the civil action to unreasonably or unnecessarily complex, lengthy, or intrusive interrogatories or depositions.

**29-40-102.** This chapter shall only apply to a civil action filed by a plaintiff against a defendant or defendants with whom the plaintiff shares a civil action party relationship.

**29-40-103.**

(a) If a civil action is filed and the defendant to the action believes it to be an abusive civil action, the claim may be raised by the defendant:

(1) In the answer to the civil action; or

(2) By motion made at any time during the civil action.

(b) The court may, on its own motion, determine that a hearing pursuant to § 29-40-104 is necessary to determine if the civil action is an abusive civil action.

**29-40-104.**

(a) If the defendant to a civil action alleges, either by answer to the civil action or by motion made at any time the action is pending, that the action constitutes an abusive civil action and that the person filing the action is an abusive civil action plaintiff, the court shall conduct a hearing in the same manner as a motion for summary judgment under Rule 56 of the Tennessee Rules of Civil Procedure.

(b) At the time set for the hearing on the alleged abusive civil action, the court shall hear all relevant testimony and may require any affidavits, documentary evidence, or other records the court deems necessary.

**29-40-105.**

At the hearing conducted pursuant to § 29-40-104, evidence of any of the following creates a rebuttable presumption that the civil action is an abusive civil action and that the person filing the action is an abusive civil action plaintiff and prefilng restrictions should be imposed upon the abusive civil action plaintiff:

(1) The same or substantially similar issues between the same or substantially similar civil action parties that are the subject of the alleged abusive civil action have been litigated against the civil action defendant within the past five (5) years in another court within the judicial district or

another judicial district and the actions were dismissed on the merits or with prejudice against the civil action plaintiff;

(2) The alleged abusive civil action plaintiff has used the same or substantially similar issues that are the subject of the current civil action as the basis for an adverse complaint against the civil action defendant to a regulatory or licensing board and the regulatory or licensing board dismissed the complaint after a contested case hearing in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(3) The alleged abusive civil action plaintiff has been sanctioned under Rule 11 of the Tennessee Rules of Civil Procedure or a similar rule or law in another state or the federal government for filing one (1) or more frivolous, vexatious, or abusive civil actions within the past ten (10) years of filing the current civil action alleged to be abusive and the previous frivolous, vexatious, or abusive civil actions involved the same or substantially the same issues between the same or substantially the same civil action parties; or

(4) A court of record in another judicial district has determined that a civil action filed against the civil action defendant was an abusive civil action and is under or has been under prefiling restrictions in that judicial district.

**29-40-106.**

(a) If the court finds by a preponderance of the evidence that a person filing a civil action is an abusive civil action plaintiff, and that any or all civil actions filed by the abusive civil action plaintiff against the abusive civil action defendant that are pending before the court are abusive civil actions, the civil actions shall be dismissed.

(b) In addition to dismissal of any pending abusive civil action within the jurisdiction of the court, the court shall:

(1) Tax all costs of any abusive civil action pending in the court at the time of the court's finding pursuant to subsection (a) against the abusive civil action plaintiff;

(2) Award the civil action defendant reasonable attorney fees and all reasonable costs of defending the abusive civil action; and

(3) Impose prefiling restrictions upon any civil action the abusive civil action plaintiff attempts to file for a period of not less than forty-eight (48) months nor more than seventy-two (72) months.

(c) If a civil action defendant alleges that a claim is an abusive civil action or that the plaintiff is an abusive civil action plaintiff, and the court finds by a preponderance of the evidence that the action was not an abusive civil action or



that the plaintiff is not an abusive civil action plaintiff, the court may grant to the plaintiff such remedies as may be just, including granting judgment in favor of the plaintiff, granting partial judgment in favor of the plaintiff, or allowing factual interpretations in favor of the plaintiff.

(d) If a civil action defendant alleges that a claim is an abusive civil action or that the plaintiff is an abusive civil action plaintiff, and the court finds by a preponderance of the evidence that the action was not an abusive civil action or that the plaintiff is not an abusive civil action plaintiff, the court may:

(1) Tax all costs related to litigating the issue of whether the action is an abusive civil action or whether the plaintiff is an abusive civil action plaintiff, against the civil action defendant who made the claim; and

(2) Award the civil action plaintiff reasonable attorney fees and all reasonable costs of defending the claim that the action was an abusive civil action or that the plaintiff was an abusive civil action plaintiff.

**29-40-107.**

(a) Except as provided in this section, a person whom a court of record has determined to be an abusive civil action plaintiff and against whom prefilng restrictions have been imposed is prohibited from instituting a civil action against the abusive civil action defendant for the period of time the prefilng restrictions are in effect, or from continuing a civil action that was instituted against the same civil action defendant prior to the date the person was determined to be an abusive civil action plaintiff.

(b) Notwithstanding subsection (a) and consistent with the constitution of Tennessee, Article I, § 17, an abusive civil action plaintiff against whom prefilng restrictions have been imposed may seek permission to file a civil action using the procedure set out in subsection (c).

(c)

(1) An abusive civil action plaintiff against whom prefilng restrictions have been imposed pursuant to this chapter who wishes to institute a civil action in a court of record during the time the abusive civil action plaintiff is under filing restrictions must first appear before the judge who imposed the prefilng restrictions to make application for permission to institute the civil action.

(2)

(A) The judge may examine witnesses, including the abusive civil action plaintiff and the civil action defendant, to determine if the proposed civil action is or is not an abusive civil action and if there are reasonable and legitimate grounds upon which the complaint is based.

(B) There is a rebuttable presumption that any proposed civil action is an abusive civil action if any of the defendants in the proposed action were civil action defendants in one (1) or more of the actions that were the basis for the person being declared an abusive civil action plaintiff.

(3)

(A) If the judge who imposed the prefiling restrictions believes that the civil action the abusive civil action plaintiff is making application to file will be an abusive civil action, the application shall be denied and the judge shall determine a time when the person may next make application to file a civil action.

(B) If the judge reasonably believes that the civil action the abusive civil action plaintiff is making application to file will not be an abusive civil action, the judge may grant the application and issue an order permitting the filing of the civil action. The order shall be attached to the front of the complaint when the abusive civil action plaintiff files the civil action with the clerk. The defendant to the action shall be served with a copy of the order at the same time the complaint is served.

(4) The findings of the judge shall be reduced to writing and made a part of record in the matter. If the abusive civil action plaintiff disputes the finding of the judge, the abusive civil action plaintiff may appeal to the presiding judge of the judicial district of the sanctioning judge. If the sanctioning judge is the presiding judge, the presiding judge shall randomly select two (2) other judges of courts of record in the judicial district to review the findings of the sanctioning judge. If there are not two (2) other judges in the judicial district available, the presiding judge may select a judge from an adjoining judicial district to review the findings. If the presiding judge or both reviewing other judges believe that the civil action the person is making application to file is not an abusive civil action, the findings of the sanctioning judge are overruled and both judges shall sign an order permitting the filing of the action. The order shall be entered and attached to the complaint and the defendant shall be served with a copy of the order at the same time the complaint is served.

(d) If the application for the filing of a civil action is granted pursuant to this section, the period of time commencing with the filing of the application requesting permission to file the action and ending with the issuance of an order permitting filing of the action shall not be computed as a part of an applicable period of limitations within which the civil action must be instituted.

(e) If after an abusive civil action plaintiff has made application and been granted permission to file a civil action pursuant to this section, the judge with jurisdiction over the action determines that the person is attempting to add parties, amend the complaint, or is otherwise attempting to alter the parties and issues involved in the civil action in a manner that the judge reasonably believes

would make the action an abusive civil action, the judge may order a continuance or nonsuit of the action and return it to the presiding judge for further disposition.

(f)

(1) If a civil action defendant is served with a complaint from an abusive civil action plaintiff who filed a civil action in a judicial district in which the person has not been determined to be an abusive civil action plaintiff, and the complaint does not have an attached order from the judge who imposed the prefiling restrictions, the civil action defendant may obtain a certified copy of the order finding the person to be an abusive civil action plaintiff in another jurisdiction and send it to the judge where the new civil action was filed and the judge who imposed the prefiling restrictions.

(2) If it is brought to the attention of the court, or on the court's own motion, that a person against whom prefiling restrictions have been imposed has filed a civil action or continued a legal proceeding in the sanctioning judge's judicial district, or in another judicial district, without application to do so being granted by the sanctioning judge pursuant to this section, or the abusive civil action plaintiff has attempted to file an action through another party, the court in which the civil action is pending shall dismiss the action or revoke the continuance. The sanctioning judge may take whatever action against the abusive civil action plaintiff deemed necessary for a violation of the court's order.

(3) If an abusive civil action plaintiff against whom prefiling restrictions have been imposed files a civil action and the order granting permission to file the action is not attached to the complaint or served on the defendant, the defendant is under no obligation or duty to respond to the complaint, answer interrogatories, appear for depositions, or any other responsive action required by rule or statute in a civil action.

(g) If the judge who imposed the prefiling restrictions is no longer serving in the same capacity in the same judicial district where the restrictions were placed, any other judge in that judicial district may perform the review required and permitted by this section.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it. Evidence of conduct constituting an abusive civil action under this chapter that occurred prior to the effective date of this act may be used for a motion made pursuant to § 29-40-103(a) on or after the effective date.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Carter moved adoption of House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1793 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as a new chapter:

**29-40-101.** As used in this chapter:

(1) "Abusive civil action" means a civil action filed by a plaintiff against a defendant with whom the plaintiff shares a civil action party relationship primarily to harass or maliciously injure the defendant and at least one (1) of the following factors are applicable:

(A) Claims, allegations, and other legal contentions made in the civil action are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(B) Allegations and other factual contentions made in the civil action are without the existence of evidentiary support; or

(C) Issue or issues that are the basis of the civil action have previously been filed in one (1) or more other courts or jurisdictions by the same, and the actions have been litigated and disposed of unfavorably to the plaintiff;

(2) "Abusive civil action plaintiff" means a person who files a civil action that a court of record has determined to be an abusive civil action and against whom prefiling restrictions have been imposed pursuant to this chapter;

(3) "Civil action" means a civil action, as defined in Rule 2 of the Tennessee rules of civil procedure;

(4) "Civil action defendant" means a person or persons against whom a civil action has been filed that a court of record has determined to be an abusive civil action and imposed prefiling restrictions against the abusive civil action plaintiff pursuant to this chapter;

(5) "Civil action party relationship" means the plaintiff commencing a civil action and the civil action defendant fall within one (1) of the following categories:

(A) Adults who are current or former spouses;

(B) Adults who live together or who have lived together;

(C) Adults who are dating or who have dated or who have or had a sexual relationship. As used in this subdivision (5)(C), "dating" and

"dated" do not include fraternization between two (2) individuals in a business or social context;

(D) Adults related by blood or adoption;

(E) Adults who are related or were formerly related by marriage;  
or

(F) Adult children of a person in a relationship that is described in subdivisions (5)(A)-(E); and

(6) "Harass or maliciously injure" means the civil action determined to be an abusive civil action was filed with the intent or was primarily designed to:

(A) Exhaust, deplete, impair, or adversely impact the civil action defendant's financial resources unless:

(i) Punitive damages are requested and appropriate; or

(ii) A change in the circumstances of the parties provides a good faith basis to seek a change to a financial award, support, or distribution of resources;

(B) Prevent or interfere with the ability of the civil action defendant to raise a child or children for whom the civil action defendant has legal custody in the manner the civil action defendant deems appropriate unless the civil action plaintiff has a lawful right to interfere and a good faith basis for doing so;

(C) Force, coerce, or attempt to force or coerce the civil action defendant to agree to or make adverse concessions concerning financial, custodial, support, or other issues when the issues in question have been previously litigated and decided in favor of the civil action defendant;

(D) Force, coerce, or attempt to force or coerce the civil action defendant to alter, engage in, or refrain from engaging in conduct when the conduct is lawful and is conduct in which the civil action defendant has the right to engage;

(E) Impair, or attempt to impair the health or well-being of the civil action defendant or a dependent of the civil action defendant;

(F) Prevent, interfere, or adversely impact the ability of the civil action defendant to pursue or maintain a livelihood or lifestyle at the same or better standard as the civil action defendant enjoyed prior to the filing of the action primarily for the purpose of harassing or maliciously injuring the civil action defendant; or

(G) Impair, diminish, or tarnish the civil action defendant's reputation in the community or alienate the civil action defendant's friends, colleagues, attorneys, or professional associates by subjecting parties without knowledge of or not reasonably relevant to the civil action to unreasonably or unnecessarily complex, lengthy, or intrusive interrogatories or depositions.

**29-40-102.** This chapter shall only apply to a civil action filed by a plaintiff against a defendant or defendants with whom the plaintiff shares a civil action party relationship.

**29-40-103.**

(a) If a civil action is filed and the defendant to the action believes it to be an abusive civil action, the claim may be raised by the defendant:

(1) In the answer to the civil action; or

(2) By motion made at any time during the civil action.

(b) The court may, on its own motion, determine that a hearing pursuant to § 29-40-104 is necessary to determine if the civil action is an abusive civil action.

**29-40-104.**

(a) If the defendant to a civil action alleges, either by answer to the civil action or by motion made at any time the action is pending, that the action constitutes an abusive civil action and that the person filing the action is an abusive civil action plaintiff, the court shall conduct a hearing to determine the merits of the defendant's allegations.

(b) At the time set for the hearing on the alleged abusive civil action, the court shall hear all relevant testimony and may require any affidavits, documentary evidence, or other records the court deems necessary.

**29-40-105.**

At the hearing conducted pursuant to § 29-40-104, evidence of any of the following creates a rebuttable presumption that the civil action is an abusive civil action and that the person filing the action is an abusive civil action plaintiff and prefiling restrictions should be imposed upon the abusive civil action plaintiff:

(1) The same or substantially similar issues between the same or substantially similar civil action parties that are the subject of the alleged abusive civil action have been litigated against the civil action defendant within the past five (5) years in another court within the judicial district or another judicial district and the actions were dismissed on the merits or with prejudice against the civil action plaintiff;

(2) The alleged abusive civil action plaintiff has used the same or substantially similar issues that are the subject of the current civil action as the basis for an adverse complaint against the civil action defendant to a regulatory or licensing board and the regulatory or licensing board dismissed the complaint after a contested case hearing in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(3) The alleged abusive civil action plaintiff has been sanctioned under Rule 11 of the Tennessee Rules of Civil Procedure or a similar rule or law in another state or the federal government for filing one (1) or more frivolous, vexatious, or abusive civil actions within the past ten (10) years of filing the current civil action alleged to be abusive and the previous frivolous, vexatious, or abusive civil actions involved the same or substantially the same issues between the same or substantially the same civil action parties; or

(4) A court of record in another judicial district has determined that a civil action filed against the civil action defendant was an abusive civil action and is under or has been under prefilling restrictions in that judicial district.

**29-40-106.**

(a) If the court finds by a preponderance of the evidence that a person filing a civil action is an abusive civil action plaintiff, and that any or all civil actions filed by the abusive civil action plaintiff against the abusive civil action defendant that are pending before the court are abusive civil actions, the civil actions shall be dismissed.

(b) In addition to dismissal of any pending abusive civil action within the jurisdiction of the court, the court shall:

(1) Tax all costs of any abusive civil action pending in the court at the time of the court's finding pursuant to subsection (a) against the abusive civil action plaintiff;

(2) Award the civil action defendant reasonable attorney fees and all reasonable costs of defending the abusive civil action; and

(3) Impose prefilling restrictions upon any civil action the abusive civil action plaintiff attempts to file for a period of not less than forty-eight (48) months nor more than seventy-two (72) months.

(c) If a civil action defendant alleges that a claim is an abusive civil action or that the plaintiff is an abusive civil action plaintiff, and the court finds by a preponderance of the evidence that the action was not an abusive civil action or that the plaintiff is not an abusive civil action plaintiff, the court may grant to the plaintiff such remedies as may be just, including granting judgment in favor of the

plaintiff, granting partial judgment in favor of the plaintiff, or allowing factual interpretations in favor of the plaintiff.

(d) If a civil action defendant alleges that a claim is an abusive civil action or that the plaintiff is an abusive civil action plaintiff, and the court finds by a preponderance of the evidence that the action was not an abusive civil action or that the plaintiff is not an abusive civil action plaintiff, the court may:

(1) Tax all costs related to litigating the issue of whether the action is an abusive civil action or whether the plaintiff is an abusive civil action plaintiff, against the civil action defendant who made the claim; and

(2) Award the civil action plaintiff reasonable attorney fees and all reasonable costs of defending the claim that the action was an abusive civil action or that the plaintiff was an abusive civil action plaintiff.

**29-40-107.**

(a) Except as provided in this section, a person whom a court of record has determined to be an abusive civil action plaintiff and against whom prefilng restrictions have been imposed is prohibited from instituting a civil action against the abusive civil action defendant for the period of time the prefilng restrictions are in effect, or from continuing a civil action that was instituted against the same civil action defendant prior to the date the person was determined to be an abusive civil action plaintiff.

(b) Notwithstanding subsection (a) and consistent with the constitution of Tennessee, Article I, § 17, an abusive civil action plaintiff against whom prefilng restrictions have been imposed may seek permission to file a civil action using the procedure set out in subsection (c).

(c)

(1) An abusive civil action plaintiff against whom prefilng restrictions have been imposed pursuant to this chapter who wishes to institute a civil action in a court of record during the time the abusive civil action plaintiff is under filing restrictions must first appear before the judge who imposed the prefilng restrictions to make application for permission to institute the civil action.

(2)

(A) The judge may examine witnesses, including the abusive civil action plaintiff and the civil action defendant, to determine if the proposed civil action is or is not an abusive civil action and if there are reasonable and legitimate grounds upon which the complaint is based.



(B) There is a rebuttable presumption that any proposed civil action is an abusive civil action if any of the defendants in the proposed action were civil action defendants in one (1) or more of the actions that were the basis for the person being declared an abusive civil action plaintiff.

(3)

(A) If the judge who imposed the prefiling restrictions believes that the civil action the abusive civil action plaintiff is making application to file will be an abusive civil action, the application shall be denied and the judge shall determine a time when the person may next make application to file a civil action.

(B) If the judge reasonably believes that the civil action the abusive civil action plaintiff is making application to file will not be an abusive civil action, the judge may grant the application and issue an order permitting the filing of the civil action. The order shall be attached to the front of the complaint when the abusive civil action plaintiff files the civil action with the clerk. The defendant to the action shall be served with a copy of the order at the same time the complaint is served.

(4) The findings of the judge shall be reduced to writing and made a part of record in the matter. If the abusive civil action plaintiff disputes the finding of the judge, the abusive civil action plaintiff may appeal to the presiding judge of the judicial district of the sanctioning judge. If the sanctioning judge is the presiding judge, the presiding judge shall randomly select two (2) other judges of courts of record in the judicial district to review the findings of the sanctioning judge. If there are not two (2) other judges in the judicial district available, the presiding judge may select a judge from an adjoining judicial district to review the findings. If the presiding judge or both reviewing other judges believe that the civil action the person is making application to file is not an abusive civil action, the findings of the sanctioning judge are overruled and both judges shall sign an order permitting the filing of the action. The order shall be entered and attached to the complaint and the defendant shall be served with a copy of the order at the same time the complaint is served.

(d) If the application for the filing of a civil action is granted pursuant to this section, the period of time commencing with the filing of the application requesting permission to file the action and ending with the issuance of an order permitting filing of the action shall not be computed as a part of an applicable period of limitations within which the civil action must be instituted.

(e) If after an abusive civil action plaintiff has made application and been granted permission to file a civil action pursuant to this section, the judge with jurisdiction over the action determines that the person is attempting to add parties, amend the complaint, or is otherwise attempting to alter the parties and issues involved in the civil action in a manner that the judge reasonably believes

would make the action an abusive civil action, the judge may order a continuance or nonsuit of the action and return it to the presiding judge for further disposition.

(f)

(1) If a civil action defendant is served with a complaint from an abusive civil action plaintiff who filed a civil action in a judicial district in which the person has not been determined to be an abusive civil action plaintiff, and the complaint does not have an attached order from the judge who imposed the prefiling restrictions, the civil action defendant may obtain a certified copy of the order finding the person to be an abusive civil action plaintiff in another jurisdiction and send it to the judge where the new civil action was filed and the judge who imposed the prefiling restrictions.

(2) If it is brought to the attention of the court, or on the court's own motion, that a person against whom prefiling restrictions have been imposed has filed a civil action or continued a legal proceeding in the sanctioning judge's judicial district, or in another judicial district, without application to do so being granted by the sanctioning judge pursuant to this section, or the abusive civil action plaintiff has attempted to file an action through another party, the court in which the civil action is pending shall dismiss the action or revoke the continuance. The sanctioning judge may take whatever action against the abusive civil action plaintiff deemed necessary for a violation of the court's order.

(3) If an abusive civil action plaintiff against whom prefiling restrictions have been imposed files a civil action and the order granting permission to file the action is not attached to the complaint or served on the defendant, the defendant is under no obligation or duty to respond to the complaint, answer interrogatories, appear for depositions, or any other responsive action required by rule or statute in a civil action.

(g) If the judge who imposed the prefiling restrictions is no longer serving in the same capacity in the same judicial district where the restrictions were placed, any other judge in that judicial district may perform the review required and permitted by this section.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it. Evidence of conduct constituting an abusive civil action under this chapter that occurred prior to the effective date of this act may be used for a motion made pursuant to § 29-40-103(a) on or after the effective date.

On motion, House Amendment No. 2 was adopted.

Rep. Carter moved that **House Bill No. 1793**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 98

A motion to reconsider was tabled.

**\*House Bill No. 2664** -- Regional Authorities and Special Districts - As introduced, authorizes lessees of industrial development corporations to file electronically the required annual report to the comptroller of the treasury and the county assessor of property. - Amends TCA Section 7-53-101 and Section 7-53-305. by \*Carter, \*Wirgau, \*Sargent, \*Love, \*Parkinson, \*Cooper. (SB2622 by \*Norris)

Rep. Carter moved that House Bill No. 2664 be passed on third and final consideration.

Rep. Wirgau requested that Local Government Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

### **Amendment No. 2**

AMEND House Bill No. 2664 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-53-101, is amended by inserting the following language as a new, appropriately designated subdivision:

( ) "Retail business" means a retail establishment providing general retail sales or services to consumers;

SECTION 2. Tennessee Code Annotated, Section 7-53-305, is amended by adding the following new subsections:

(i)

(1) An industrial development corporation may negotiate a payment in lieu of tax agreement for less than the ad valorem taxes otherwise due for a retail business for a period longer than ten (10) years, plus a reasonable construction or installation period not to exceed three (3) years, if:

(A) The corporation is a joint industrial development corporation with representation of all affected taxing jurisdictions within the county;

(B) The corporation has entered into an interlocal agreement with other taxing jurisdictions to establish criteria for any payment in lieu of tax agreements that might affect shared tax bases;

(C) The corporation has received written approval from each affected local governmental entity. As used in this subdivision (i)(1)(C), "affected local governmental entity" means a county or local special school district which will suffer an actual loss of tax revenue under a payment in lieu of tax agreement; or

(D) The corporation pays the other affected local governments the amount of ad valorem taxes those governments would otherwise receive for the affected property based on its assessed value after the initial ten (10) years of the agreement.

(2) The requirements under this subsection (i) shall not apply to payment in lieu of tax agreements affecting only the municipality that created the corporation and the beneficiary making the agreement.

(3) This subsection (i) does not apply in any county having a population of not less than nine hundred thousand (900,000), according to the 2010 or any subsequent federal census.

(j) Before an industrial development corporation approves a payment in lieu of tax agreement, the corporation shall hold a public meeting relating to the proposed agreement after notice is provided by the corporation or governing body, as may be required by law, at least five (5) days prior to the date of such public meeting. Such notice must include the time, place, and purpose of the public meeting.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Wirgau moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

**MONDAY, APRIL 16, 2018 -- SEVENTY-SECOND LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Carter moved that **House Bill No. 2664**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	1
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 94

Representatives voting no were: Carr -- 1

Representatives present and not voting were: Moon -- 1

A motion to reconsider was tabled.

**\*House Bill No. 268** -- Motor Vehicles, Titling and Registration - As introduced, exempts active, volunteer firefighters and rescue squad members from payment of the regular registration fee at the time of renewal for any license plate issued to the volunteer firefighter or rescue squad member. - Amends TCA Title 55, Chapter 4. by \*Sherrell, \*Terry, \*Powers, \*Sparks, \*Whitson, \*Weaver, \*Hulsey, \*Howell, \*Matheny, \*Curcio, \*Swann, \*Crawford, \*Lollar, \*McDaniel, \*VanHuss, \*Reedy, \*Kane, \*Goins, \*Hawk, \*Matlock, \*Calfee, \*Zachary, \*Kumar, \*Tillis, \*Sexton C, \*Brooks K, \*Gilmore, \*Hill M, \*Ragan, \*Coley, \*Akbari, \*Carter, \*Casada, \*Wirgau, \*Daniel, \*Carr, \*Littleton, \*Parkinson, \*Butt, \*Hazlewood, \*Alexander, \*Williams, \*Pitts, \*DeBerry, \*Hardaway, \*Eldridge, \*Gant, \*Rudd, \*Staples, \*Sexton J, \*Holsclaw, \*Johnson, \*Hill T, \*Pody, \*Dunn, \*Forgety, \*Faison, \*White D, \*Sanderson, \*Camper, \*Hicks, \*Marsh, \*Keisling, \*Moody, \*Smith, \*Holt, \*Jernigan, \*Mitchell, \*Thompson, \*Halford, \*Doss, \*Ramsey, \*Brooks H, \*Byrd, \*Vaughan, \*Harwell, \*Moon, \*Lamberth, \*Rogers, \*Farmer, \*Gravitt, \*Windle, \*Cooper. (SB270 by \*Pody, \*Watson, \*Bailey, \*Bowling, \*Haile, \*Ketron, \*Yager)

On motion, House Bill No. 268 was made to conform with **Senate Bill No. 270**; the Senate Bill was substituted for the House Bill.

Rep. Sherrell moved that Senate Bill No. 270 be passed on third and final consideration.

Rep. Doss moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. K. Brooks moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND Senate Bill No. 270 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-241(a), is amended by adding the following at the end of the subsection immediately preceding the period (.):

; except, that any active volunteer firefighter who has at least one (1) year of service shall be exempt, at the time of renewal, from the applicable registration fee for only one (1) motor vehicle, upon the certification or sworn statement from the chief of the fire department to which the person is attached confirming the person is an active volunteer firefighter

SECTION 2. Tennessee Code Annotated, Section 55-4-222(d), is amended by adding the following at the end of the first sentence immediately preceding the period (.):

; except, that any active volunteer member of a local rescue squad who has at least one (1) year of service shall be exempt, at the time of renewal, from the regular license fee for only one (1) motor vehicle, upon the certification or sworn statement from the captain of the local rescue squad to which the person is attached confirming the person is an active volunteer member

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 4, Part 1, is amended by adding the following as a new section:

(a) Any owner or lessee of a motor vehicle who is a resident of this state, is an active member of a volunteer fire department, and has at least one (1) year of service shall be exempt, at the time of renewal, from the regular registration fee imposed pursuant to § 55-4-111, for only one (1) vehicle owned or used by the firefighter, upon the certification or sworn statement from the chief of the fire department to which the person is attached confirming the applicant is an active volunteer member, and upon compliance with state motor vehicle registration and licensing laws.

(b) Any owner or lessee of a motor vehicle who is a resident of this state, is an active member of a volunteer local rescue squad, and has at least one (1) year of service shall be exempt, at the time of renewal, from the regular registration fee imposed pursuant to § 55-4-111, for only one (1) vehicle owned or used by the member, upon certification or sworn statement from the captain of the local rescue squad to which the person is attached confirming the applicant is an active volunteer member, and upon compliance with state motor vehicle registration and licensing laws.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to registration plates renewed on or after that date.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Faison moved adoption of House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 270 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-241(a), is amended by adding the following at the end of the subsection immediately preceding the period (.):

; except, that any active volunteer firefighter who has at least one (1) year of service shall be exempt, at the time of renewal, from the applicable registration fee for only one (1) motor vehicle, upon the certification or sworn statement from the chief of the fire department to which the person is attached confirming the person is an active volunteer firefighter. In addition to the exemption provided by this subsection (a), the legislative body of a county is authorized to waive the motor vehicle tax for motor vehicles receiving an exemption under this subsection (a) from the registration fee if the waiver is approved in the same manner as the adoption of the motor vehicle tax under § 5-8-102

SECTION 2. Tennessee Code Annotated, Section 55-4-222(d), is amended by adding the following at the end of the first sentence immediately preceding the period (.):

; except, that any active volunteer member of a local rescue squad who has at least one (1) year of service shall be exempt, at the time of renewal, from the regular license fee for only one (1) motor vehicle, upon the certification or sworn statement from the captain of the local rescue squad to which the person is attached confirming the person is an active volunteer member. In addition to the exemption provided by this subsection (d), the legislative body of a county is authorized to waive the motor vehicle tax for motor vehicles receiving an exemption under this subsection (d) from the registration fee if the waiver is approved in the same manner as the adoption of the motor vehicle tax under § 5-8-102

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 4, Part 1, is amended by adding the following as a new section:

(a) Any owner or lessee of a motor vehicle who is a resident of this state, is an active member of a volunteer fire department, and has at least one (1) year of service shall be exempt, at the time of renewal, from the regular registration fee imposed pursuant to § 55-4-111, for only one (1) vehicle owned or used by the firefighter, upon the certification or sworn statement from the chief of the fire department to which the person is attached confirming the applicant is an active volunteer member, and upon compliance with state motor vehicle registration and licensing laws. In addition to the exemption provided by this subsection (a), the legislative body of a county is authorized to waive the motor vehicle tax for motor vehicles receiving an exemption under this subsection (a) from the registration fee if the waiver is approved in the same manner as the adoption of the motor vehicle tax under § 5-8-102.

(b) Any owner or lessee of a motor vehicle who is a resident of this state, is an active member of a volunteer local rescue squad, and has at least one (1) year of service shall be exempt, at the time of renewal, from the regular registration fee imposed pursuant to § 55-4-111, for only one (1) vehicle owned or used by the member, upon certification or sworn statement from the captain of the local rescue squad to which the person is attached confirming the applicant is an active volunteer member, and upon compliance with state motor vehicle registration and licensing laws. In addition to the exemption provided by this subsection (b), the legislative body of a county is authorized to waive the motor vehicle tax for motor vehicles receiving an exemption under this subsection (b) from the registration fee if the waiver is approved in the same manner as the adoption of the motor vehicle tax under § 5-8-102.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to registration plates renewed on or after that date.

On motion, House Amendment No. 3 was adopted.

Rep. Sherrell moved that **Senate Bill No. 270**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 95

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 270** and have this statement entered in the Journal: Rep. Fitzhugh.

#### PRESENT IN CHAMBER

Rep. Gilmore was recorded as being present in the Chamber.



**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2271** -- Juvenile Offenders - As introduced, enacts the "Juvenile Justice Reform Act of 2018." - Amends TCA Title 37 and Title 39, Chapter 17, Part 15. by \*Hawk, \*Casada, \*Zachary, \*Love, \*Matheny. (SB2261 by \*Norris, \*Kelsey)

Rep. Zachary moved that House Bill No. 2271 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2271 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Juvenile Justice Reform Act of 2018."

SECTION 2. Tennessee Code Annotated, Section 37-1-101(a), is amended by adding the following language as a new subdivision:

Provide developmentally appropriate interventions based on current scientific research in related fields, including neuroscience, psychology, sociology, and criminology;

SECTION 3. Tennessee Code Annotated, Section 37-1-102(b)(14), is amended by adding the language "temporary" after the language "means".

SECTION 4. Tennessee Code Annotated, Section 37-1-102(b)(19), is amended by deleting the subdivision in its entirety and substituting instead the following:

(19) "Probation" means casework service as directed by the court and pursuant to this part as a measure for the protection, guidance, and well-being of the child and child's family;

SECTION 5. Tennessee Code Annotated, Section 37-1-102(b), is amended by adding the following language as new, appropriately designated subdivisions and redesignating the existing subdivisions accordingly:

( ) "Evidence-based" means policies, procedures, programs, and practices demonstrated by scientific research to reliably produce reductions in recidivism;

( ) "Financial obligations" means fines, fees, costs, surcharges, child support, or other monetary liabilities ordered or assessed by any court or state or county government, but does not include restitution;

( ) "Positive behavior" means prosocial behavior or progress in a treatment program or on supervision;

( ) "Preliminary inquiry" means the process established by the Rules of Juvenile Practice and Procedure that is used to commence proceedings and to resolve complaints by excluding certain matters from juvenile court at their inception;

( ) "Seclusion":

(A) Means the intentional, involuntary segregation of an individual from the rest of the resident population for the purposes of preventing harm by the child to oneself or others; preventing harm to the child by others; aiding in de-escalation of violent behavior; or serving clinically defined reasons; and

(B) Does not include:

(i) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(ii) Confinement to a locked unit or ward where other children are present as seclusion is not solely confinement of a child to an area, but separation of the child from other persons;

(iii) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(iv) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area;

( ) "Significant injury" means bodily injury, including a cut, abrasion, bruise, burn, or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty, involving:

(A) A substantial risk of death;

(B) Protracted unconsciousness;

(C) Extreme physical pain;

(D) Protracted or obvious disfigurement; or

(E) Protracted loss or substantial impairment of a function of a bodily member, organ, or mental faculty;

( ) "Validated risk and needs assessment" means a determination of a child's risk to reoffend and the needs that, when addressed, reduce the child's risk to reoffend through the use of an actuarial assessment tool that assesses the dynamic and static factors that predict delinquent behavior;

SECTION 6. Tennessee Code Annotated, Section 37-1-105(b)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) Receive and examine complaints and charges of delinquency or unruly conduct and conduct a preliminary inquiry;

SECTION 7. Tennessee Code Annotated, Section 37-1-105(b)(5), is amended by deleting the subdivision in its entirety and substituting instead the following:

(5) Take into custody and detain a child who is under such probation officer's supervision or care as a delinquent, unruly, or dependent and neglected child if the probation officer, or other designated officers of the court, have reasonable cause to believe that the child's health or safety is in imminent danger, or that such child may abscond or be removed from the jurisdiction of the court, or when ordered by the court pursuant to this part. Such child may be placed in detention or shelter care only if authorized by and in accordance with §§ 37-1-114 and 37-1-115. Except as provided by this part, a probation officer, or other designated officer of the court, does not have the powers of a law enforcement officer. Such probation officer, or other designated officer of the court, shall not conduct accusatory proceedings under this part against a child who is or may be under such officer's care or supervision; and

SECTION 8. Tennessee Code Annotated, Section 37-1-105(b), is amended by adding the following language as a new subdivision (3) and redesignating the existing subdivisions accordingly:

(3) Receive and examine complaints of dependency and neglect of a child for the purpose of considering the commencement of proceedings under this part;

SECTION 9. Tennessee Code Annotated, Section 37-1-106(b)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) Intake duties including receiving and examining complaints and allegations of delinquency and unruly behavior for the purpose of conducting a preliminary inquiry;

SECTION 10. Tennessee Code Annotated, Section 37-1-110(a), is amended by designating the existing language as subdivision (a)(1); by deleting the second sentence and substituting instead the language "The informal adjustment shall not extend beyond three (3) months from the day commenced, unless extended by the court for an additional period not to exceed a total of six (6) months, and does not authorize the

detention of the child if not otherwise permitted by this part."; and by adding the following language as a new subdivision (a)(2):

(2) If the child and the victim agree to restitution, restitution may be paid independently of informal adjustment; however, financial obligations shall not be assessed or collected against a child as part of an informal adjustment pursuant to this section.

SECTION 11. Tennessee Code Annotated, Section 37-1-110, is amended by adding the following language as a new subsection (d):

(d) No admission shall be required as part of informal adjustment or pretrial diversion, and any statements made by the child during the preliminary inquiry, informal adjustment pursuant to subsection (a), or pretrial diversion pursuant to subsection (b) are not admissible prior to a dispositional hearing.

SECTION 12. Tennessee Code Annotated, Section 37-1-114(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) Children alleged to be unruly shall not be detained for more than twenty-four (24) hours, excluding nonjudicial days, unless there has been a detention hearing, and in no event shall such a child be detained for more than seventy-two (72) hours exclusive of nonjudicial days prior to an adjudicatory hearing. Nothing in this subsection (b) prohibits the court from ordering the placement of children in shelter care where appropriate, and such placement shall not be considered detention within the meaning of this section.

SECTION 13. Tennessee Code Annotated, Section 37-1-114(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c)

(1) A child shall not be detained in any secure facility or secure portion of any facility unless:

(A)

(i) There is probable cause to believe the child has committed a delinquent offense constituting:

(a) A crime against a person resulting in the serious injury or death of the victim or involving the likelihood of serious injury or death to such victim;  
or

(b) The unlawful possession of a handgun or carrying of a weapon, as prohibited by title 39, chapter 17, part 13;

(ii) There is probable cause to believe the child has committed any other delinquent offense involving the likelihood of serious physical injury or death, or an offense constituting a felony, violation of probation where there exists a significant likelihood of significant injury or death to others or the child, or violation of aftercare where there exists a significant likelihood of significant injury or death to others or the child, and the child:

(a) Is currently on probation and there is probable cause to believe there is a significant likelihood of significant injury or death to others or the child absent detention;

(b) Is alleged to be an escapee or absconder from a juvenile facility, institution, or other court-ordered placement; or

(c) Has, within the previous twelve (12) months, engaged in violent conduct resulting in serious injury to another person or involving the likelihood of serious injury or death, or has been adjudicated delinquent by virtue of an offense constituting a felony if committed by an adult;

(iii) There is probable cause to believe the child has committed a violation of the conditions of probation, aftercare, diversion, or pretrial release or similar supervision; provided, that the child may be placed in detention for no more than seventy-two (72) hours, unless the court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety;

(iv) There is probable cause to believe the child has committed a delinquent offense, and special circumstances in accordance with subsection (a) indicate the child should be detained, and the court finds that the child presents a significant likelihood of significant injury to the child or another person; however, in any such case, the judge shall, within twenty-four (24) hours of the actual detention, excluding nonjudicial days, issue a written order on a form prescribed by the Tennessee council of juvenile and family court judges setting forth the specific reasons necessitating such detention. For children placed in the custody of the department for a dependency or neglect case who are charged with a delinquent offense while in the department's custody, the department's lack of resources or alternative placement options do not qualify as special circumstances for the purposes of this section,

and such children must meet the criteria for detention under this section based on their delinquency charges. Nothing in this subdivision (c)(1) shall be construed as requiring a hearing, except as otherwise required by § 37-1-117;

(v) The child is alleged delinquent or has previously been adjudicated delinquent and is alleged to be an escapee from a secure juvenile facility or institution;

(vi) The child is wanted in another jurisdiction for a delinquent offense; or

(vii) There is probable cause to believe the child is an unruly child who is a runaway from another jurisdiction. Any detention of such a child shall be in compliance with subsection (b), unless compliance with the Interstate Compact for Juveniles, as codified in § 37-4-101, requires otherwise; and

(B) In addition to any of the conditions listed in subdivisions (c)(1)(A)(i)-(vii), there is no less restrictive alternative that will reduce the risk of flight or of serious physical harm to the child or to others, including placement of the child with a parent, guardian, legal custodian, or relative; use of any of the alternatives listed in § 37-1-116(g); or the setting of bail.

(2) For the purposes of this subsection (c), "serious physical injury" includes conduct that would constitute the offenses of aggravated rape, rape, and aggravated sexual battery.

SECTION 14. Tennessee Code Annotated, Section 37-1-114, is amended by adding the following language as new subsections:

(d) Unless otherwise required by law, detention shall not be mandated for categories of offenses or predefined circumstances and instead shall be based on an individualized examination of a child's case and the case's particular circumstances.

(e) Notwithstanding this section:

(1) All delinquent and unruly cases in which a child is in detention or has been placed out of the home by court order shall be heard within thirty (30) days of the date the child was placed outside of the home. For good cause shown, the case may be continued beyond the thirty-day time limit to a date certain as the court may direct. The thirty (30) day time limit may also be waived by a knowing and voluntary written waiver by the child;

(2) A child under twelve (12) years of age shall not be detained in any secure facility or secure portion of any facility for more than twenty-four (24) hours, excluding nonjudicial days, unless the requirements of subsection (b) or (c) are met and:

(A) There is probable cause to believe the child has committed a delinquent offense constituting criminal homicide, as defined in § 39-13-201, or attempted criminal homicide; or

(B) There is a written judicial finding that there is a significant likelihood of significant injury to the child or others if the child is not detained.

SECTION 15. Tennessee Code Annotated, Section 37-1-115, is amended by adding the following language as new subsections:

(c)

(1) A law enforcement officer who has taken a child into custody for the commission of an offense that would be considered a misdemeanor if committed by an adult may, in that officer's professional discretion, issue a citation in lieu of continued custody of the child. In issuing a citation pursuant to this subsection (c), the officer shall:

(A) Prepare a written citation, which shall include the name and address of the cited child, the offense charged, and the time and place of appearance;

(B) Have the child sign the original and duplicate copy of the citation. The officer shall deliver one (1) copy to the child and retain the other; and

(C) Release the cited child from custody.

(2) If the law enforcement officer determines that issuing a citation is appropriate but that circumstances surrounding the issuance of a citation indicate an immediate risk to the safety of the child, the officer shall make efforts to contact a parent, guardian, or legal custodian of the child to retrieve the child in lieu of or prior to taking the child into custody.

(d) Subject to the approval of the juvenile court, each municipal or metropolitan police department or sheriff's department is authorized to create and administer its own juvenile diversion program to address citable juvenile offenses without court involvement. Each program shall be developed in consultation with the juvenile court, local school districts, and other community stakeholders, and shall be subject to the same conditions and limitations as informal adjustment pursuant to § 37-1-110.

SECTION 16. Tennessee Code Annotated, Section 37-1-116, is amended by adding the following language as a new subsection (l):

(l) The use of seclusion for punitive purposes pre-adjudication or post-adjudication for any child detained in any facility pursuant to § 37-1-114 is prohibited.

SECTION 17. Tennessee Code Annotated, Section 37-1-117(a)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) If such child is not so released, the court shall issue an order authorizing the detention of the child and a petition under § 37-1-120 shall be promptly filed with the court. The filing of a petition shall not preclude participation in informal adjustment pursuant to § 37-1-110. In the case of a child alleged to be delinquent, a detention hearing shall be held no later than seventy-two (72) hours after the child is placed in detention to determine whether such child's detention is required under § 37-1-114. In computing the time limitation for purposes of such detention hearing, nonjudicial days are excluded, but in no event shall the hearing be held later than eighty-four (84) hours after the child is placed in detention. The court, in its discretion, may release the child on an appearance bond or on the child's own recognizance subject to a written agreement to appear in court.

SECTION 18. Tennessee Code Annotated, Section 37-1-120, is amended by adding the following language as new subsections:

(e) School personnel may file a juvenile petition against a student receiving special education services only in accordance with the manifestation determination requirements of § 49-10-1304(d)(3)(B).

(f)

(1) Absent serious threats to school safety or exceptional circumstances in the judgment of a law enforcement officer, when a delinquency or unruly petition is filed by school personnel based upon acts committed on school grounds or at a school-sponsored event, the school personnel shall include information in the petition that shows that:

(A) School personnel have sought to resolve the problem through available educational approaches; and

(B) Court intervention is needed in the judgment of the petitioner.

(2) School personnel shall seek to engage parents, guardians, or legal custodians in resolving the child's behavior before filing a petition where appropriate under the circumstances.



SECTION 19. Tennessee Code Annotated, Section 37-1-122, is amended by deleting the section in its entirety and substituting instead the following:

(a) After the petition has been filed, the clerk shall schedule a time for a hearing and issue summonses to the parties. In case a summons cannot be served or the party served fails to obey the same, and in any case where it is made to appear to the court that such summons will be ineffectual, except as described in subsection (b), an attachment may issue, on the order of the court, against the:

- (1) Parent or guardian;
- (2) Person having custody of the child;
- (3) Person with whom the child may be; or
- (4) Child.

(b)

(1) An attachment for a violation of conditions or limitations of probation pursuant to § 37-1-131 or § 37-1-132, home placement supervision pursuant to § 37-1-137, or diversion pursuant to § 37-1-110 or § 37-1-129 shall not issue unless:

(A) The child poses a significant likelihood of significant injury to another person or significant likelihood of damage to property;

(B) The child cannot be located by the supervising person, persons, or entity after documented efforts to locate the child by the supervising person, persons, or entity; or

(C) The child fails to appear for a court proceeding.

(2) If the child has an attorney of record, that attorney must be served with any attachment request made to the court.

SECTION 20. Tennessee Code Annotated, Section 37-1-126(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c)

(1) Parents, legal custodians, or guardians, or any adult defendants or respondents whose child is provided with court-appointed counsel pursuant to this section, or who themselves are provided with court-appointed counsel pursuant to this section, may be assessed by the court at the time of appointment a nonrefundable administrative fee in the amount of fifty dollars (\$50.00). The parents, legal custodians, or

guardians of a child who is appointed a guardian ad litem may be assessed by the court an administrative fee as provided in this subdivision (c)(1).

(2) The administrative fee shall be assessed only one (1) time per case and shall be waived or reduced by the court upon a finding that the child and the child's parents, legal custodians, or guardians lack financial resources sufficient to pay the fee in such amount. In cases where a guardian ad litem is appointed, the financial resources of the child shall not be considered. The fee may be increased by the court to an amount not in excess of two hundred dollars (\$200) upon a finding that the child's parents, legal custodians or guardians, or an adult defendant or respondent possesses sufficient financial resources to pay the fee in such increased amount. The administrative fee shall be payable, at the court's discretion, in a lump sum or in installments; provided, that the fee shall be paid prior to disposition of the case or within two (2) weeks of appointment of counsel, whichever first occurs. Prior to disposition of the case, the clerk of the court shall inform the judge whether the administrative fee has been collected. Failure to pay the administrative fee assessed by the court shall not reduce or in any way affect the rendering of services by court-appointed counsel. The administrative fee shall not be assessed against the child.

(3) The administrative fee shall be separate from, and in addition to, any other contribution or recoupment assessed pursuant to law for defrayal of costs associated with the provision of court-appointed counsel. The clerk of the court shall retain a commission of five percent (5%) of each dollar of administrative fees collected and shall transmit the remaining ninety-five percent (95%) of each such dollar to the state treasurer for deposit in the state's general fund.

(4) If the administrative fee is not paid prior to disposition of the case, then the fee shall be collected in the same manner as costs are collected; provided, that upon disposition of the case, moneys paid to the clerk, including any cash bond posted by or on behalf of a child who has been transferred or is awaiting a transfer hearing pursuant to § 37-1-134 or an adult, shall be allocated to taxes, costs, and fines and then to the administrative fee and any recoupment ordered. The administrative fee and any recoupment or contribution ordered for the services of court-appointed counsel may apply and may be collected even if the charges against the party are dismissed. The court shall have discretion to waive the administrative fee if the case is dismissed.

(5) As part of the clerk's regular monthly report, each clerk of court, who is responsible for collecting administrative fees pursuant to this section, shall file a report with the court, the administrative director of the courts, and the comptroller of the treasury. The report shall indicate the following:

(A) Number of children and adults for whom the court appointed counsel pursuant to this section;

(B) Number of children for whom the court appointed a guardian ad litem pursuant to § 37-1-149;

(C) Number of children and adults for whom the court appointed counsel and waived the administrative fee;

(D) Number of children for whom the court appointed a guardian ad litem and waived the administrative fee;

(E) Number of children and adults from, or on behalf of, whom the clerk collected administrative fees;

(F) Total amount of commissions retained by the clerk from such administrative fees; and

(G) Total amount of administrative fees forwarded by the clerk to the state treasurer.

SECTION 21. Tennessee Code Annotated, Section 37-1-128(a)(1)(A), is amended by deleting the subdivision in its entirety and substituting instead the following:

Make an investigation of the case or conduct a preliminary inquiry if one has not already been conducted;

SECTION 22. Tennessee Code Annotated, Section 37-1-128(a)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) A probation officer shall have, as to any child committed to such officer's care, the powers of a law enforcement officer. Subject to this part, the probation officer may bring such child before the court committing the child to the officer's care for further action as the court may deem fit and proper.

SECTION 23. Tennessee Code Annotated, Section 37-1-129(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) If a child alleged to be delinquent or unruly enters a plea of guilty or no contest, the court may defer further proceedings and place the child on probation subject to reasonable conditions, which may include completion of substance abuse and mental health treatment services where appropriate, without entering a judgment of guilty and with the consent of the child, and, for delinquent offenses, such reasonable conditions shall be consistent with a validated risk and needs assessment. Probation conditions shall not include a period of detention or placing the child in custody of the department, but may include a

transfer or grant pursuant to § 37-1-131(a)(1). A child shall not be placed on judicial diversion if the delinquent act alleged is an offense described in § 37-1-153(b) or if the child has previously been adjudicated delinquent for such an offense.

(2) A judicial diversion agreement shall remain in force for a maximum of six (6) months unless the child is discharged sooner by the court, subject to this subdivision (a)(2). Before expiration of the six-month period, and after notice and a hearing, the court may extend judicial diversion for an additional period not to exceed six (6) months, but only if the court finds and issues a written order that:

(A) States that it is in the best interest of the child that a condition or conditions of judicial diversion remain in effect; and

(B) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child.

(3)

(A) If the supervising authority finds that the child has violated the terms or conditions of judicial diversion, the supervising authority may file a petition alleging a violation of the terms or conditions of judicial diversion with the court; provided, that the court, in its discretion, may direct the supervising authority that, in some or all circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance.

(B) If a violation of any of the terms of judicial diversion probation is alleged, the child shall be given notice of the violation and an opportunity to be heard concerning the alleged violation. If, after a hearing, the court determines that a violation has occurred, the court may enter an adjudication of guilty and proceed to a dispositional hearing. If no violation is found, the court may continue the period of probation or may dismiss the petition.

(4) If, during the period of probation, the child does not violate any of the conditions of the probation, then upon expiration of the period, the court shall discharge the child and dismiss the proceedings against the child.

SECTION 24. Tennessee Code Annotated, Section 37-1-129(b)(3), is amended by adding the following language at the end of the subdivision:

The court shall minimize the use of detention between adjudication and disposition. In no event shall a dispositional hearing be postponed or continued because there is a waitlist for a suitable placement unless the child and, if applicable, the child's attorney, agree to the postponement or continuance in writing.

SECTION 25. Tennessee Code Annotated, Section 37-1-131, is amended by deleting subdivision (a)(5) and by deleting subdivision (a)(1) and substituting instead the following:

(1) Subject to conditions and limitations as the court prescribes, transfer temporary legal custody or grant permanent guardianship in accordance with part 8 of this chapter to any relative or other individual with a relationship with the child who is found by the court to be qualified to receive and care for the child, if the court finds that such a transfer or grant is in the best interest of the child;

SECTION 26. Tennessee Code Annotated, Section 37-1-131(a)(2)(A), is amended by deleting the subdivision in its entirety and substituting instead the following:

(i) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations prescribed by the court in consultation with the supervising authority and consistent with a validated risk and needs assessment, which may include completion of substance abuse and mental health treatment services where appropriate;

(ii)

(a) A child may be placed on probation for a maximum period of six (6) months, subject to this subdivision (a)(2)(A)(ii). Before expiration of the first six-month period or any extension period thereafter, and after notice and a hearing, the court may extend probation for additional periods not to exceed six (6) months each, but only if the court finds and issues a written order that:

(1) States that it is in the best interest of the child that a condition or conditions of probation remain in effect; and

(2) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child; and

(b) If the requirements of subdivision (a)(2)(A)(ii)(a) have been met, probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect;

(iii) If the supervising authority finds the child has violated the conditions or limitations of probation, the supervising authority may file a petition alleging a violation of the conditions or limitations of probation with the court; provided, that

the court, in its discretion, may direct the supervising authority that, in some or all circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance;

(iv) If the court finds that no violation has occurred, the child shall be allowed to resume the former conditions of probation, or probation may be terminated; and

(v) If in a subsequent proceeding, the court finds the child has violated any of the conditions or limitations of probation, the court may modify conditions consistent with the results of the previously administered validated risk and needs assessment, including ordering a transfer or grant pursuant to subdivision (a)(1). The court shall not order a child placed in the custody of the department or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time, for a violation of the conditions or limitations of probation unless:

(a) The child is separately adjudicated dependent or neglected and placed pursuant to § 37-1-130;

(b) The child is separately adjudicated delinquent and placed pursuant to this section for an eligible delinquent offense arising out of a subsequent criminal episode other than the offense for which the child has been placed on probation;

(c) The child is detained pursuant to § 37-1-114(c)(1); or

(d)

(1) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; and

(2) A child placed in the custody of the department under this subdivision (a)(2)(A)(v)(d) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

(A) The child needs services or treatment that are available only if the child is in custody; and

(B) The services or treatment the child needs are evidence-based and will be provided by a qualified provider;

SECTION 27. Tennessee Code Annotated, Section 37-1-131(a)(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

(3) Ordering the child to participate in programming at a non-residential facility for delinquent children operated under the direction of the court or other local public authority;

SECTION 28. Tennessee Code Annotated, Section 37-1-131(a)(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(4)

(A) Subject to the restrictions of § 37-1-129(c) and this subdivision (a)(4), commit the child to the department of children's services, which commitment shall not extend past the child's nineteenth birthday;

(B) A child is eligible for commitment to the department only if:

(i) The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a felony if committed by an adult;

(ii)

(a) The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a misdemeanor if committed by an adult; and

(b) The child has previously been adjudicated delinquent for two (2) or more offenses arising from separate incidents that would constitute either a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor; or

(iii)

(a) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; and

(b) A child placed in the custody of the department under this subdivision (a)(4)(B)(iii) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

(1) The child needs treatment or services that are available only if the child is in custody; and

(2) The treatment or services the child needs are evidence-based and will be provided by a qualified provider;

SECTION 29. Tennessee Code Annotated, Section 37-1-131(a)(6), is amended by deleting the subdivision in its entirety and substituting instead the following:

(6) Committing the child to the custody of the county department of children's services in those counties having such a department, but only if the child is eligible for commitment to the department under subdivision (a)(4) and subject to the conditions applicable to department commitment under § 37-1-137;

SECTION 30. Tennessee Code Annotated, Section 37-1-131(a)(7), is amended by adding the following language as a new subdivision (F):

(F) The court shall not order a child placed in the custody of the department or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time, for failure to complete community service work or satisfy conditions associated with community service work as ordered by the court; and

SECTION 31. Tennessee Code Annotated, Section 37-1-131(b)(1), is amended by adding the following language at the end of the subdivision:

The court shall identify whether a restorative justice program addressing loss resulting from a delinquent act is available and may be utilized appropriately in the place of financial restitution. Any financial obligations or restitution assessed against the child or the child's parents, legal custodians, or guardians shall be considered collectively with community service work to ensure that the order of disposition is reasonable and, where applicable, prioritizes restitution to the victim. In determining whether an order of disposition is reasonable, the court may consider whether the child and the child's parents, legal custodians, or guardians have the ability to complete the requirements of the order within six (6) months.

SECTION 32. Tennessee Code Annotated, Section 37-1-131(b)(2)(A)(iii), is amended by deleting the subdivision in its entirety and substituting instead the following:



(iii) The total amount of such ordered restitution is not paid by the time the juvenile court determines that discharge of a case is appropriate or no longer has jurisdiction over the child;

SECTION 33. Tennessee Code Annotated, Section 37-1-131(b)(5), is amended by deleting the subdivision in its entirety and substituting instead the following:

A judgment entered pursuant to this subsection (b) shall remain in effect for a period of ten (10) years from the date of entry and shall be enforceable by the restitution recipient in the same manner and to the same extent as other civil judgments; however, such civil judgment shall not be referred to any collection service as defined by § 62-20-102.

SECTION 34. Tennessee Code Annotated, Section 37-1-131(c)(6), is amended by deleting the subdivision in its entirety.

SECTION 35. Tennessee Code Annotated, Section 37-1-132(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) If the child is found to be an unruly child, the court may make such disposition as authorized by this section or § 37-1-131(a)(1), (a)(2), (a)(7), or (b) that is best suited to such child's treatment. However, no child found to be an unruly child may be placed on probation under the supervision of the department, unless such child is found to also be a delinquent child or is found to have committed a violation of a valid court order as provided for in the Appendix to the Tennessee Rules of Juvenile Procedure. No county government shall be required to increase local funding to implement this provision. The court has the additional dispositional alternative of ordering the department to provide non-custodial services to a child found to be unruly.

SECTION 36. Tennessee Code Annotated, Section 37-1-132(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) An unruly child is eligible for commitment to the department only if:

(A) The child has previously been adjudicated delinquent for two (2) or more offenses arising from separate incidents that would constitute an unruly offense, or a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor; or

(B)

(i) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department.

(ii) A child placed in the custody of the department under this subdivision (b)(1)(B) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

(a) The child needs treatment or services that are available only if the child is in custody; and

(b) The treatment or services the child needs are evidence-based and will be provided by a qualified provider.

(2) Nothing in subdivision (b)(1) shall preclude placing a child in protective service custody.

(3) A disposition under this section shall, in no event, result in the child's detention in shelter care, as defined in § 37-1-116, or other temporary placement, without provision of necessary services consistent with the child's assessments or evaluations, in excess of thirty (30) days after entry of the court's order.

(4) Subject to subdivision (b)(6), an unruly child committed to the custody of the department under subdivision (b)(1)(A) for an indefinite time shall be discharged or placed on home placement supervision after a maximum of six (6) months, excluding any amount of time that a child is absent from placement for whatever reason, unless:

(A) The treatment and rehabilitation of the child require that the child remain in custody beyond six (6) months to complete an evidence-based program in a custodial setting addressing a treatment need identified by the previously administered validated risk and needs assessment;

(B) The child is alleged to have committed a new delinquent act;  
or

(C) The child is alleged to be an escapee from a secure juvenile facility or institution.

(5) The commissioner shall prescribe procedures whereby the child's treatment, rehabilitation, and progress shall be reviewed monthly and a recommendation for or against home placement or discharge shall be made to the commissioner or the commissioner's designee at least quarterly.

(6)

(A) When the department determines that a child who has been committed to the department under this section is ready to return home, the department shall notify the court in writing of its intention to place the child at home on a trial home visit. If the court objects to the trial home visit, it must notify the department of its objection in writing or set a hearing within fifteen (15) days of the date of the notice with such hearing being held at the earliest possible date. If a hearing is not set nor a written objection received within fifteen (15) days of the date of the notice, the department may place the child on a trial home visit. The notice shall include the provision that the department's legal custody of the child shall terminate in thirty (30) days.

(B) If during the thirty-day period the department determines that the trial home visit is not in the child's best interest and removes the child on an emergency basis or seeks to remove the child on a non-emergency basis, the department shall file a motion for review by the court of the trial home visit and shall provide notice to the parent, parents, guardian, or other custodian. The court shall hold a hearing on such motion within three (3) days of an emergency removal and shall set a hearing within fifteen (15) days to be held at the earliest possible date if the motion is for the court's permission to make a non-emergency removal.

(C) During the thirty-day trial home visit, the court may periodically review the child's status and may make any orders that the best interest of the child may require.

SECTION 37. Tennessee Code Annotated, Section 37-1-132(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) A child ordered to probation under subsection (a) may be placed on probation for a maximum period of six (6) months, subject to this subdivision (c)(1). Before expiration of the first six-month period or any extension period thereafter, and after notice and a hearing, the court may extend probation for additional periods not to exceed six (6) months each, but only if the court finds and issues a written order that:

(A) States that it is in the best interest of the child that a condition or conditions of probation remain in effect; and

(B) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child.

(2) If the requirements of subdivision (c)(1) have been met, probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect.

(3) If the supervising authority finds the child has violated the conditions or limitations of probation, the supervising authority may file a petition alleging a violation of the conditions or limitations of probation with the court; provided, that the court, in its discretion, may direct the supervising authority that, in some or all

circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance.

(4) If the court finds that no violation has occurred, the child shall be allowed to resume the former conditions of probation or probation may be terminated.

(5) If in a subsequent proceeding, the court finds the child has violated any of the conditions or limitations of probation, the court may modify conditions consistent with the needs of the child, including ordering a transfer or grant pursuant to § 37-1-131(a)(1). The court shall not order a child placed in the custody of the department or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time, for a violation of the conditions or limitations of probation unless:

(A) The child is separately adjudicated dependent or neglected and placed pursuant to § 37-1-130;

(B) The child is separately adjudicated delinquent and placed pursuant to § 37-1-131 for an eligible delinquent offense arising out of a subsequent criminal episode other than the offense for which the child has been placed on probation;

(C) The child is detained pursuant to § 37-1-114(c)(1); or

(D)

(i) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department.

(ii) A child placed in the custody of the department under this subdivision (c)(5)(D) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

(a) The child needs treatment or services that are available only if the child is in custody; and

(b) The treatment or services the child needs are evidence-based and will be provided by a qualified provider.

SECTION 38. Tennessee Code Annotated, Section 37-1-132, is amended by adding the following language as a new subsection:

(d) If a child is adjudicated unruly in whole or in part for habitual and unlawful absence pursuant to § 49-6-3007, it is the intent of the general assembly that any disposition of the court be oriented toward family services and those interventions that address educational barriers and the root causes of truancy.

SECTION 39. Tennessee Code Annotated, Section 37-1-134(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) The child was less than fourteen (14) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder, or the child was fourteen (14) years of age or more at the time of the alleged conduct and charged with the offense of first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, aggravated burglary, especially aggravated burglary, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, carjacking, or an attempt to commit any such offenses. The district attorney general shall not seek, nor shall any child transferred under this section receive, a sentence of death for the offense for which the child was transferred;

SECTION 40. Tennessee Code Annotated, Section 37-1-134, is amended by adding the following language as a new subsection:

(l) It is the intent of the general assembly that children shall not be transferred under this section due to a lack of appropriate resources for effective treatment and rehabilitation in the juvenile justice system.

SECTION 41. Tennessee Code Annotated, Section 37-1-136(h), is amended by deleting the subsection in its entirety and substituting instead the following:

(h) This section shall apply to any assessment report or materials used in the creation of an assessment report in juvenile courts located in any county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, and this section may be adopted by the juvenile court in any county and applied to any assessment report or materials used in the creation of an assessment report in juvenile court.

SECTION 42. Tennessee Code Annotated, Section 37-1-137(a)(5), is amended by designating the existing language as subdivision (a)(5)(A) and adding the following as a new subdivision (a)(5)(B):

(B) If the department places a child in detention for more than thirty (30) days pending placement, excluding nonjudicial days, the department shall notify the committing court and, upon the court's written request, provide information to the court outlining the department's efforts to place the child.

SECTION 43. Tennessee Code Annotated, Section 37-1-137(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) Subject to subsection (c), a delinquent child committed to the custody of the department for an indefinite time shall be discharged or placed on home placement supervision after a maximum of six (6) months, excluding any amount of time that a child is absent from placement for whatever reason, unless:

(A) The treatment and rehabilitation of the child require that the child remain in custody beyond six (6) months to complete an evidence-based program in a custodial setting addressing a treatment need identified by the previously administered validated risk and needs assessment;

(B) The child is alleged to have committed a new delinquent act;  
or

(C) The child is alleged to be an escapee from a secure juvenile facility or institution.

(2) The commissioner shall prescribe procedures whereby the child's treatment, rehabilitation, and progress shall be reviewed monthly and a recommendation for or against home placement or discharge shall be made to the commissioner or the commissioner's designee at least quarterly.

SECTION 44. Tennessee Code Annotated, Section 37-1-137(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(1)

(A) If the designee of the department supervising a delinquent child on home placement supervision has reasonable cause to believe that such child has violated the conditions of home placement supervision in an important respect after the trial home pass has ended, the designee may file a petition alleging a violation of home placement supervision; provided, that, unless a new petition has been filed alleging the child has committed a new delinquent offense or habitual and unlawful absence pursuant to § 49-6-3007, the court, in its discretion, may direct the designee that, in some or all circumstances, such a petition should be filed only if the designee makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance.

(B) The court may require that the child be placed in detention pending adjudication of the petition, but only in accordance with § 37-1-114. The department is prohibited from taking the child into custody until the court finds that the child has violated conditions of the home placement supervision by incurring an adjudication of delinquency for a new offense that meets the eligibility criteria for commitment to the department under § 37-1-131(a)(4) and the court terminates the home

placement supervision. Nothing in this subdivision (d)(1) shall prevent the transfer of a juvenile under § 37-1-134.

(2) No such court permission is required during the trial home pass and the department is authorized to remove the child from the home, but only if the child cannot be located by the designee after documented efforts to locate the child or a new petition has been filed alleging the child has committed a delinquent offense arising from a separate incident from the original petition. A notice of such removal and disruption of the trial home pass shall be filed with the court within ten (10) days as a violation allegation or other appropriate petition or motion and the legal custody of the department is not terminated. A review hearing on such action shall be held within thirty (30) days of such filing. Nothing in this subdivision (d)(2) shall prevent the transfer of a juvenile under § 37-1-134.

SECTION 45. Tennessee Code Annotated, Section 37-1-137(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(e) The juvenile court that committed the delinquent child to the department retains jurisdiction to determine allegations of violation of home placement supervision. Such court shall schedule a hearing within seven (7) days of the time the petition is filed alleging a violation of home placement supervision and cause written notice to be served on the child, the child's parent or parents, guardian, or other custodian, and the department's designee a reasonable time before the hearing. The written notice shall contain a copy of the petition and any other written report or statement detailing the violation or violations as well as the time, place, and purpose of the hearing. At the hearing, the court shall allow the child to be heard in person and to present witnesses or documentary evidence. The child shall also have the right to confront and cross-examine witnesses.

SECTION 46. Tennessee Code Annotated, Section 37-1-137(f), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) If the court finds that no violation has occurred, the child shall be allowed to resume the former conditions of home placement.

(2) If the court finds that a violation occurred because the child has been adjudicated for a new offense eligible for commitment to the department under § 37-1-131(a)(4), the court may order that the child be re-committed to the department or utilize any other disposition option permitted by law. Such order shall contain the reasons relied on for terminating the home placement. Upon any such termination and commitment to the department, the child may be placed as the commissioner or the commissioner's designee may direct.

(3)

(A) If the court finds that a violation occurred but the child has not been adjudicated for a new offense that is eligible for commitment to the department, the court may modify conditions of home placement consistent with the results of the previously administered validated risk

and needs assessment, including ordering a transfer or grant pursuant to § 37-1-131(a)(1), but shall not order that the child be re-committed to the department or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian, unless the court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department.

(B) A child placed in the custody of the department under this subdivision (f)(3) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

(i) The child needs treatment or services that are available only if the child is in custody; and

(ii) The treatment or services the child needs are evidence-based and will be provided by a qualified provider.

(4) The child may appeal the disposition of the court as provided in § 37-1-159.

SECTION 47. Tennessee Code Annotated, Section 37-1-146(b)(4), is amended by deleting the subdivision in its entirety and substituting instead the following:

(4) Impose a fine of not more than fifty dollars (\$50.00) against the child's parent or legal guardian; or

SECTION 48. Tennessee Code Annotated, Section 37-1-146(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) In any case or class of cases, the judge of any juvenile court may waive jurisdiction of traffic violators who are sixteen (16) years of age or older, and such cases shall be heard by the court or courts having jurisdiction of adult traffic violations, or the child's parent or legal guardian may pay the stipulated fine to a traffic bureau.

SECTION 49. Tennessee Code Annotated, Section 37-1-150(g)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) In proceedings where the child is determined to be indigent pursuant to § 37-1-126 and the court appoints counsel or a guardian ad litem to represent the child, but finds the child's parents, legal custodians, or guardians are financially able to defray a portion or all of the cost of the child's representation, the court shall enter an order directing the child's parents, legal custodians, or



guardians to pay into the registry of the clerk of the court any sum that the court determines the child's parents, legal custodians, or guardians are able to pay.

SECTION 50. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

**Use of Detention.**

Detention shall be used only for those circumstances expressly authorized by the provisions of this part and shall not be ordered as a disposition under § 37-1-131(a) or § 37-1-132, and neither a child nor that child's attorney may waive the detention-related prohibitions of those provisions, including as part of any pre-adjudication agreements.

SECTION 51. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

**Financial Obligations.**

(a) Financial obligations shall not be assessed against a child in a delinquent or unruly case, including in any order of disposition under § 37-1-131 or § 37-1-132, though this does not affect the assessment of restitution pursuant to § 37-1-131(b). However, the court may order parents, legal custodians, or guardians to pay financial obligations in accordance with the provisions of this part. Restitution to any victim shall be prioritized over all financial obligations.

(b) Failure to pay or timely pay any financial obligations or restitution assessed to the child or the child's parents, guardian, or legal custodian shall not serve as a sole basis for continued court jurisdiction over or supervision of a child.

(c) Failure to pay or timely pay any financial obligations or restitution assessed to the child, child's parents, legal custodians, or guardians shall not serve as a basis for placement in the custody of the department or other removal of the child from the child's home, including the home of a parent, guardian, or legal custodian, for any length of time.

(d) The court shall consider the child's parents, legal custodians, or guardians' financial ability to pay in determining the amount of any financial obligations incurred or assessed by the state or county as described in this part. The court may decline to assess financial obligations if the court determines that assessment would pose financial hardship to the parents, legal custodians, or guardians.

(e) Any financial obligations ordered shall not be referred to any collection service as defined by § 62-20-102.

SECTION 52. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

**Risk and Needs Assessment.**

(a) A validated risk and needs assessment shall be used in all delinquent cases post disposition in making decisions and recommendations regarding programming and treatment.

(b) The department may make available a validated tool for use by any juvenile court; however, any juvenile court may instead choose to use a different validated tool.

(c) Any risk and needs assessment tool that is adopted by a juvenile court or the department must periodically undergo a validation study to ensure that the risk and needs assessment is predictive of the risk of reoffending of the population on which the tool is being administered.

(d) Each delinquent child ordered to probation supervision under § 37-1-131 or committed to the custody of the department shall undergo a validated risk and needs assessment within seven (7) days of the court's disposition, excluding nonjudicial days, to inform supervision level, referrals to programs and services, and case planning.

(e) In delinquent cases, the court may order that a risk and needs assessment be conducted prior to disposition if there is written agreement from the child, the child's parent, guardian, or legal custodian, and, if applicable, the child's attorney. A child may undergo such a risk and needs assessment prior to disposition to identify specific factors that predict a child's likelihood of reoffending and, when appropriately addressed, may reduce the likelihood of reoffending, and the results of the risk and needs assessment shall be provided to the court prior to or at the time of the disposition of the child.

SECTION 53. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

**Individualized Case Plans and Behavior Responses.**

(a) An individualized case plan shall be developed by the department or supervising authority for every child adjudicated for a delinquent or unruly offense. The case plan shall be updated as appropriate and, in the case of a delinquent offense, shall be informed by the results of a validated risk and needs assessment.

(b)

(1) For any child ordered to probation supervision pursuant to § 37-1-131 or § 37-1-132, the supervising authority shall develop and implement an individualized case plan in consultation with the child's parents, guardian, or legal custodian, the child's school, and other appropriate parties, and, for delinquent offenses, such plan shall be based upon the results of a validated risk and needs assessment

conducted within seven (7) days of the court's disposition, excluding nonjudicial days.

(2) The person or persons supervising probation shall work with the child and the child's parents, guardian, or legal custodian, and other appropriate parties to implement the case plan following disposition.

(3) At a minimum, the case plan shall:

(A) Identify the actions to be taken by the child and, if appropriate, the child's parents, guardian, or legal custodian, and other appropriate parties to ensure future lawful conduct and compliance with the court's order of disposition; and

(B) Identify the services to be offered and provided to the child and, if appropriate, the child's parents, guardian, or legal custodian, and other appropriate parties, including, where appropriate:

(i) Mental health and substance abuse services;

(ii) Education services;

(iii) Individual, group, and family counseling services;

(iv) Victim or community restitution; and

(v) Services to address other relevant concerns identified by the supervising authority.

(c)

(1) For any child committed to the department for a delinquent offense, the department shall ensure, in conjunction with any service provider, that it develops and implements an individualized case plan based upon the recommendations of the child, the child's parents, guardian, or custodian, and other appropriate parties and the results of the validated risk and needs assessment. The case plan shall cover the child's period of commitment to the department as well as home placement supervision.

(2) The department shall work with the child, the child's parents, guardian, or legal custodian, other appropriate parties, and the child's service provider to implement the case plan.

(3) At a minimum, the case plan shall:

(A) Specify treatment goals and the actions to be taken by the child in order to demonstrate satisfactory attainment of each goal;

(B) Specify the services to be offered and provided by the department and any service provider; and

(C) Ensure appropriate reintegration of the child to the child's parents, guardian, or legal custodian, other appropriate parties, the child's school, and the community following the satisfactory completion of the case plan treatment goals, with a protocol and timeline for engaging the child's parents, guardian, or legal custodian prior to the release of the child.

(d) The department and each juvenile court providing supervision services shall adopt a behavior response system that incorporates the following principles:

(1) Behavior responses to children on all types of supervision should be swift, certain, and proportionate and provide for a continuum of options to address violations of the terms and conditions of supervision as well as incentivize positive behaviors on supervision; and

(2) Behavior responses should be targeted to the child's risk and needs and to the severity of the violation of the terms and conditions of supervision.

(e) The behavior response system shall be utilized by all supervising authorities involved in the juvenile justice system and in administering behavior responses on probation, home placement supervision, diversion, or any other type of supervision. The supervising authorities shall use the least restrictive behavior responses, and all violations and positive behaviors shall be documented in the child's individual case plan within three (3) days of occurrence, excluding nonjudicial days, including the type of violation or positive behavior, the response, and the results of the response.

SECTION 54. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

**Provider Performance Metrics.**

(a) The department shall develop a system of performance-based metrics and incentives to use with the state institutions, foster and group homes, and any other entities, public or private, that are authorized by law to receive or provide care or services for children under this part.

(b) These metrics and incentives should encourage use of graduated responses, evidence-based programming, and an intended timeline of three (3) to six (6) months for successful program completion.

SECTION 55. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

**Report on Juvenile Justice Data Collection.**

The administrative office of the courts, the department of children's services, and the commission on children and youth shall jointly submit a report addressing statewide data collection in the juvenile justice system, on or before January 1, 2019, to the governor, speaker of the senate, and speaker of the house of representatives. Appropriate school and law enforcement personnel shall be consulted in preparing the report. This report shall include:

- (1) A plan to effectuate comprehensive, accurate collection of data and performance measures from all juvenile courts in the state pursuant to § 37-1-506 and other relevant statutory provisions;
- (2) Uniform definitions and criteria for data collection to ensure clear and consistent reporting across all agencies and counties;
- (3) Proposed forms for future data collection from juvenile courts and county-level agencies; and
- (4) Any other recommendations relevant to improving statewide data collection in the juvenile justice system.

SECTION 56. Tennessee Code Annotated, Section 37-1-506(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) The clerk of each juvenile court shall, each month, report to the executive secretary such information as the council may require concerning cases handled by such court, including, but not limited to, informal adjustments, appointment of counsel, pretrial diversions, and all other dispositions made by the court. Notwithstanding § 37-1-153 or any other law to the contrary, the council may require identifying information to be reported in order that the council may more accurately track recidivism rates and other pertinent trends relating to juveniles. Notwithstanding any law to the contrary, identifying information received by the council shall be confidential; shall not be published, released, or otherwise disseminated; and shall be maintained in accordance with state and federal laws and regulations regarding confidentiality. The council shall publish data and make such data available to properly concerned agencies and individuals, or to any person upon request. Any such publication or release of data shall be limited to non-identifying information. The council shall develop guidelines and procedures to expunge identifying information collected on juveniles; provided, that such expunction shall occur only after the juvenile reaches the age that is beyond jurisdiction of the juvenile court.

SECTION 57. Tennessee Code Annotated, Section 37-5-121(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) "Evidence-based" means policies, procedures, programs, and practices demonstrated by scientific research to reliably produce reductions in recidivism;

SECTION 58. Tennessee Code Annotated, Section 39-17-1505, is amended by deleting subsections (b) and (c) in their entireties and substituting instead the following:

(b) Any person who violates this section may be issued a citation by a law enforcement officer who has evidence of the violation. Regardless of whether a citation is issued, the product shall be seized as contraband by the law enforcement officer.

(c) A violation of this section is a civil offense, for which the juvenile court may, in its discretion, impose a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), which may be charged against a parent, guardian, or custodian, but not a minor. The juvenile court may, in its discretion, also impose community service work not to exceed fifty (50) hours or successful completion of a prescribed teen court program for a second or subsequent violation within a one-year period.

SECTION 59. It is the intent of the general assembly that improvements to the juvenile justice system and expansion of community-based resources for justice-involved children be prioritized, including, but not limited to, evidence-based programs, informal adjustment, diversion, home placement supervision, statewide data collection, early intervention programs and services for children and families, and mental health services, especially in any county underserved with such programs and services.

SECTION 60. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 61. The headings to sections, chapters, and parts in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 62. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. Sections 55, 59, 60, and 61 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 13, 23, 25-29, 35-37, 43, 44, 46, 50, 52, and 53 of this act shall take effect July 1, 2019, the public welfare requiring it. Section 42 of this act shall take effect October 1, 2019, the public welfare requiring it. All other sections of this act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2271 by deleting the language "or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time," in subdivision (a)(2)(A)(v) of Section 26.

**AND FURTHER AMEND** by adding the language "or" after "probation;" in subdivision (a)(2)(A)(v)(b) of Section 26.

**AND FURTHER AMEND** by deleting subdivision (a)(2)(A)(v)(c) of Section 26, renumbering subdivision (a)(2)(A)(v)(d) accordingly, and deleting "(a)(2)(A)(v)(d)" in subdivision (a)(2)(A)(v)(d)(2) and substituting "(a)(2)(A)(v)(c)".

**AND FURTHER AMEND** by deleting the language "delinquent" in subdivision (b)(1)(A) of Section 36.

**AND FURTHER AMEND** by deleting subdivision (b)(2) of Section 36 and substituting instead the following as new subdivisions (b)(2) and (b)(3) and renumbering the remaining subdivisions accordingly:

(2) If the court finds that it is in the best interest of the child and the public that any unruly child be removed from the home of a parent, guardian, or other legal custodian, the placement of the child shall be with the person, agency, or facility that presents the least drastic or restrictive alternative.

(3) Prior to committing an unruly child to the custody of the department of children's services, the court shall refer such child to the department's juvenile-family crisis intervention program under § 37-1-168. The court may commit the child to the department after such juvenile-family crisis intervention program certifies to the court that there is no other less drastic measure than court intervention. Nothing in this subsection (b) shall preclude placing a child in protective service custody.

**AND FURTHER AMEND** by deleting the language "or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time," in subdivision (c)(5) of Section 37.

**AND FURTHER AMEND** by adding the language "or" after "probation;" in subdivision (c)(5)(B) of Section 37.

**AND FURTHER AMEND** by deleting subdivision (c)(5)(C) of Section 37, renumbering subdivision (c)(5)(D) accordingly, and deleting "(c)(5)(D)" in subdivision (c)(5)(D)(ii) and substituting "(c)(5)(C)".

**AND FURTHER AMEND** by deleting subdivision (a)(1) of Section 39 and substituting instead the following:

(1) The child was less than fourteen (14) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder

or attempted first or second degree murder; the child was fourteen (14) years of age or more but less than seventeen (17) years of age at the time of the alleged conduct and charged with the offense of first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, aggravated burglary, especially aggravated burglary, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, carjacking, or an attempt to commit any such offenses; or the child was seventeen (17) years of age or more at the time of the alleged conduct. The district attorney general shall not seek, nor shall any child transferred under this section receive, a sentence of death for the offense for which the child was transferred;

**AND FURTHER AMEND** by adding the language “or has been rated as effective by a standardized program evaluation tool” after the word “recidivism” in the first subdivision of the amendatory language of Section 5.

**AND FURTHER AMEND** by adding the language “or has been rated as effective by a standardized program evaluation tool” after the word “recidivism” in subdivision (a)(1) of Section 57.

**AND FURTHER AMEND** by deleting Sections 12, 13, 14, and 42 and by renumbering the remaining sections accordingly.

**AND FURTHER AMEND** by deleting the effective date section and substituting instead the following:

SECTION 58. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. Sections 51, 55, 56, and 57 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 20, 22-26, 32-34, 39, 40, 42, 46, 48, and 49 of this act shall take effect July 1, 2019, the public welfare requiring it. All other sections of this act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Criminal Justice Committee Amendment No. 2 was adopted.

Rep. Lamberth moved that Criminal Justice Committee Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Farmer moved that Civil Justice Committee Amendment No. 1, as House Amendment No. 4, be withdrawn, which motion prevailed.

Rep. Zachary moved that House Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Lamberth moved adoption of House Amendment No. 6 as follows:

**Amendment No. 6**

AMEND House Bill No. 2271 by deleting subdivision (a)(1) of Section 36 and substituting instead the following:

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(1)

(A) The child was:

(i) Less than fourteen (14) years of age at the time of the alleged conduct and charged with first degree murder or second degree murder or attempted first or second degree murder;

(ii) Fourteen (14) years of age or more but less than seventeen (17) years of age at the time of the alleged conduct and charged with the offense of first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, aggravated burglary, especially aggravated burglary, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, carjacking, or an attempt to commit any such offenses;

(iii) Sixteen (16) years of age or more at the time of the alleged conduct and charged with the offense of robbery or attempt to commit robbery; or

(iv) Seventeen (17) years of age or more at the time of the alleged conduct.

(B) The district attorney general shall not seek, nor shall any child transferred under this section receive, a sentence of death for the offense for which the child was transferred;

On motion, House Amendment No. 6 was adopted.

Rep. Gant moved the previous question, which motion prevailed by the following vote:

Ayes ..... 68  
Noes..... 30

Representatives voting aye were: Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Clemmons, Coley, Crawford, Curcio, Daniel, Doss, Eldridge, Faison, Farmer, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Holsclaw, Holt, Howell, Hulsey, Johnson, Jones, Kane, Kumar, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Moody, Moon, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sargent, Sexton C., Smith, Sparks, Terry, Thompson, Tillis, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 68

Representatives voting no were: Akbari, Alexander, Beck, Camper, Cooper, DeBerry, Favors, Fitzhugh, Gilmore, Hardaway, Hill M., Hill T., Jernigan, Keisling, Lamberth, Miller, Mitchell, Parkinson, Pitts, Powell, Sanderson, Sexton J., Shaw, Sherrell, Staples, Stewart, Towns, Travis, Turner, Van Huss -- 30

Rep. Zachary moved that **House Bill No. 2271**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 1

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 98

Representatives voting no were: Towns -- 1

A motion to reconsider was tabled.

**House Bill No. 1894** -- Education, Higher - As introduced, requires the board of trustees of the University of Tennessee system to submit its report to the governor on the number of students and the workings of the system 10 business days instead of 10 days before the general assembly convenes. - Amends TCA Title 49. by \*VanHuss. (\*SB1839 by \*Gresham)

Rep. Van Huss moved that House Bill No. 1894 be passed on third and final consideration.

Rep. H. Brooks moved adoption of Education Administration & Planning Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1894 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-8-101(a)(3)(A), is amended by deleting the second sentence in its entirety and substituting instead the following language:

The statewide system of state colleges of applied technology, established under chapter 11, part 4, of this title, shall be composed of the state colleges of applied technology now established and located at Athens, Chattanooga, Covington, Crossville, Crump, Dickson, Elizabethton, Harriman, Hartsville, Hohenwald, Jacksboro, Jackson, Knoxville, Livingston, McKenzie,

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McMinnville, Memphis, Morristown, Murfreesboro, Nashville, Newbern, Oneida, Paris, Pulaski, Ripley, Shelbyville, and Whiteville. The board of regents is authorized to establish additional state colleges of applied technology or to combine existing state colleges of applied technology as needed to improve operational and administrative efficiencies.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Administration & Planning Committee Amendment No. 1 was adopted.

Rep. Fitzhugh moved that House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Van Huss moved that **House Bill No. 1894**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 4

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Littleton, Lollar, Love, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Wirgau, Zachary, Madame Speaker Harwell -- 93

Representatives voting no were: Farmer, Lamberth, Powell, Windle -- 4

A motion to reconsider was tabled.

**House Bill No. 2132** -- Taxes - As introduced, authorizes the commissioner of revenue to require or authorize a "perfection period" for electronically filed Hall income tax and franchise and excise tax returns. - Amends TCA Section 67-2-107; Title 67, Chapter 4, Part 20 and Title 67, Chapter 4, Part 21. by \*VanHuss. (\*SB2051 by \*Crowe)

Rep. Van Huss moved that **House Bill No. 2132** be reset for the the Regular Calendar on April 23, 2018, which motion prevailed.

**House Bill No. 1854** -- Juries and Jurors - As introduced, requires jury coordinator to prepare and send a list of persons disqualified or potentially disqualified from jury service to the administrator of elections. - Amends TCA Title 22, Chapter 1 and Title 22, Chapter 2. by \*Rudd. (\*SB1808 by \*Ketron)

On motion, House Bill No. 1854 was made to conform with **Senate Bill No. 1808**; the Senate Bill was substituted for the House Bill.

Rep. Rudd moved that Senate Bill No. 1808 be passed on third and final consideration.

Rep. Farmer moved that Civil Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rudd requested that Senate Bill No. 1808 be moved to the heel of the Regular Calendar, which motion prevailed.

**\*House Bill No. 1926** -- Liens - As introduced, increases from \$3.00 to \$5.00 the fee that the register may charge for execution of a marginal release of a lien. - Amends TCA Title 8; Title 47; Title 62 and Title 66. by \*Rudd. (SB2204 by \*Swann)

Rep. Rudd moved that House Bill No. 1926 be passed on third and final consideration.

Rep. Farmer moved adoption of Civil Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1926 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 21, Part 1, is amended by adding the following as a new section:

A real property owner who prevails in an action challenging the validity of a lien, including in a slander of title proceeding, shall recover the person's reasonable attorney's fees, reasonable costs, and liquidated damages in an amount equal to ten percent (10%) of the fair market value of the property not to exceed three hundred thousand dollars (\$300,000), in addition to any actual damages.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Rudd moved adoption of House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1926 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 21, Part 1, is amended by adding the following as a new section:

(a) Except as provided in subsection (b), a real property owner who prevails in an action challenging the validity of a lien, including in a slander of title proceeding, shall recover:

(1) The owner's reasonable attorney's fees;

(2) Reasonable costs incurred by the owner to challenge the validity of the lien; and

(3) Liquidated damages in an amount equal to ten percent (10%) of the fair market value of the property not to exceed three hundred thousand dollars (\$300,000), in addition to any actual damages.

(b) A real property owner shall not recover under subsection (a) if the action was brought to challenge a lien that is based on a loan agreement for which the encumbered property was listed as collateral to secure the repayment of the loan.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, House Amendment No. 2 was adopted.

Rep. M. Hill moved the previous question, which motion prevailed.

Rep. Rudd moved that **House Bill No. 1926**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 95

A motion to reconsider was tabled.

**House Bill No. 2381** -- Memorials, Recognition - As introduced, requires the state capitol commission to develop and implement a plan for the commissioning of the Tennessee Monument to Unborn Children; requires that the monument be funded by non-state sources and placed on the capitol grounds upon completion. - Amends TCA Title 4. by \*Sexton J, \*Dunn, \*Goins, \*VanHuss, \*Hill M, \*Hulse, \*Holt, \*Reedy, \*Kane, \*Moody, \*Hill T, \*Butt, \*DeBerry, \*Sherrell, \*Gant, \*Zachary, \*Moon, \*Byrd, \*Wirgau, \*Sparks, \*Weaver, \*Rogers, \*Powers, \*Eldridge, \*Howell. (\*SB2227 by \*Southerland)

Rep. J. Sexton moved that **House Bill No. 2381** be reset for the next available Regular Calendar, which motion prevailed.

**House Bill No. 523** -- Insurance, Health, Accident - As introduced, requires health insurance coverage to cover hypofractionated proton therapy in the same manner as it covers intensity modulated radiation therapy under certain conditions. - Amends TCA Title 8; Title 56 and Title 71. by \*Ramsey, \*Pody, \*Calfee, \*Daniel, \*Casada, \*Eldridge, \*Sparks, \*Mitchell, \*Holsclaw, \*Sherrell, \*Whitson, \*Dunn. (\*SB367 by \*Green, \*Massey, \*Swann, \*Bowling, \*Crowe, \*Ketron)

On motion, House Bill No. 523 was made to conform with **Senate Bill No. 367**; the Senate Bill was substituted for the House Bill.

Rep. Ramsey moved that Senate Bill No. 367 be passed on third and final consideration.

Rep. Sargent moved that Pensions and Insurance Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Travis moved that Insurance and Banking Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Travis requested that Insurance and Banking Committee Amendment No. 2, as House Amendment No. 3, be placed at the heel of the amendments.

Rep. Sargent requested that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 4, be placed at the heel of the amendments.

Rep. Stewart requested that House Amendment No. 5 be placed at the heel of the amendments.

Rep. Fitzhugh moved adoption of House Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 367 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

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SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 71-5-126, is amended by deleting the section in its entirety and substituting instead the following:

The governor is authorized to expand medicaid eligibility in accordance with the Patient Protection and Affordable Care Act, Pub. L. No. 111-148. The governor is authorized to negotiate with the centers for medicare and medicaid services with respect to the terms of medicaid expansion.

Rep. C. Sexton moved that House Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes .....	65
Noes.....	28
Present and not voting.....	1

Representatives voting aye were: Alexander, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, Doss, Faison, Farmer, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Kane, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, McCormick, Moody, Moon, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Sparks, Terry, Tillis, Travis, Van Huss, Vaughan, Weaver, White D., Williams, Wirgau, Zachary, Madame Speaker Harwell -- 65

Representatives voting no were: Akbari, Beck, Camper, Clemmons, Cooper, DeBerry, Eldridge, Favors, Fitzhugh, Gilmore, Hardaway, Jernigan, Jones, Keisling, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Smith, Staples, Thompson, Towns, Turner, White M., Windle -- 28

Representatives present and not voting were: Rudd -- 1

Rep. Travis requested that Insurance and Banking Committee Amendment No. 2, as House Amendment No. 3, be placed at the heel of the amendments.

Rep. Sargent requested that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 4, be placed at the heel of the amendments.

Rep. Stewart moved that House Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Travis requested that Insurance and Banking Committee Amendment No. 2, as House Amendment No. 3, be placed at the heel of the amendments, which motion failed by the following vote:

Ayes .....	11
Noes.....	83
Present and not voting.....	1

Representatives voting aye were: Alexander, Butt, Curcio, Gant, Goins, Keisling, Kumar, Powers, Tillis, Travis, Vaughan -- 11

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Representatives voting no were: Akbari, Beck, Boyd, Brooks H., Brooks K., Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Daniel, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Gravitt, Halford, Hardaway, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Towns, Turner, Van Huss, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 83

Representatives present and not voting were: McCormick -- 1

Rep. Travis moved adoption of Insurance and Banking Committee Amendment No. 2, as House Amendment No. 3, as follows:

**Amendment No. 3**

AMEND Senate Bill No. 367 by adding the following language as a new subsection in Section 1:

( ) Any healthcare provider receiving payment for services pursuant to this section shall consider all services paid in full by the amount submitted by the third-party payer and shall not bill the patient for any amount beyond any applicable deductible, coinsurance, or copayment allowed under the patient's health insurance policy.

Rep. Ramsey moved that Insurance and Banking Committee Amendment No. 2, as House Amendment No. 3, be tabled, which motion prevailed by the following vote:

Ayes ..... 63  
Noes..... 29

Representatives voting aye were: Alexander, Beck, Boyd, Brooks H., Brooks K., Byrd, Camper, Carr, Carter, Casada, Cooper, Crawford, Daniel, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gilmore, Gravitt, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Jones, Keisling, Lamberth, Littleton, Love, Lynn, Marsh, Matheny, McCormick, McDaniel, Miller, Moon, Powell, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton J., Shaw, Sparks, Staples, Terry, Towns, Van Huss, Weaver, White D., Whitson, Williams, Windle, Madame Speaker Harwell -- 63

Representatives voting no were: Clemmons, Coley, Curcio, Doss, Gant, Goins, Halford, Hardaway, Holt, Kane, Kumar, Lollar, Mitchell, Moody, Parkinson, Pitts, Powers, Sexton C., Sherrell, Smith, Stewart, Thompson, Tillis, Travis, Turner, Vaughan, White M., Wirgau, Zachary -- 29

Rep. Sargent moved that Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 4, be withdrawn, which motion prevailed.

Rep. Ramsey moved that **Senate Bill No. 367** be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes ..... 82  
Noes..... 13

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Crawford, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lynn, Matheny, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Powell, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Towns, Turner, Weaver, White D., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 82

Representatives voting no were: Curcio, Gant, Goins, Marsh, Pitts, Powers, Staples, Thompson, Tillis, Travis, Van Huss, Vaughan, White M. -- 13

A motion to reconsider was tabled.

**EXCUSED**

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Matheny

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2036** -- Auctions and Auctioneers - As introduced, makes various changes to licensure provisions related to auctioneers, including exempting from such provisions any exchange of goods conducted through bidding on an internet-based trading platform by a publicly traded company that primarily sells motor vehicles and lowering from two years to one year the amount of time that a person has to serve under the supervision of an auctioneer prior to applying for licensure. - Amends TCA Title 62, Chapter 19. by \*Gravitt, \*Powers, \*Forgety, \*Carr . (SB2081 by \*Yager)

On motion, House Bill No. 2036 was made to conform with **Senate Bill No. 2081**; the Senate Bill was substituted for the House Bill.

Rep. Gravitt moved that Senate Bill No. 2081 be passed on third and final consideration.

Rep. Marsh requested that Business and Utilities Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Faison moved adoption of House Amendment No. 2 as follows:

**Amendment No. 2**

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AMEND Senate Bill No. 2081 by deleting all the language after the enacting clause and substituting instead the following:

**SECTION 1.**

(a) There is created the Tennessee Task Force on Auction Law Modernization. The task force shall:

(1) Conduct a comprehensive review of auction laws in this state, including rules of the Tennessee Auctioneer Commission to study unnecessary barriers to entry into the profession; and

(2) Recommend changes and updates to auctioneer licensing laws to recognize the broad range of business models of auctioneers, auction firms, and auction platforms.

(b) The task force shall be composed of:

(1) The president of the Tennessee Auctioneers Association;

(2) One (1) additional member of the Tennessee Auctioneers Association, selected by association members;

(3) One (1) online auctioneer with in-state operations, appointed by the speaker of the senate;

(4) One (1) online auctioneer with global operations, appointed by the speaker of the senate;

(5) One (1) online automobile auctioneer, appointed by the speaker of the house of representatives;

(6) One (1) representative from a licensed Tennessee Auction School, appointed by the speaker of the house of representatives;

(7) One (1) member of the Tennessee Auctioneer Commission, selected by the commission;

(8) The commissioner of commerce and insurance or the commissioner's designee;

(9) One (1) member of the Tennessee Real Estate Commission, selected by the commission;

(10) One (1) representative of the Tennessee County Services Association, selected by the association;

(11) Two (2) representatives from the Tennessee Automotive Association, selected by association members; and

(12) One (1) consumer member to represent the public, appointed by the governor.

(c) A majority of the members of the task force constitute a quorum. Members must be present at meetings to vote.

(d) The commissioner of commerce and insurance, or the commissioner's designee, shall schedule the first meeting of the task force to occur within ninety (90) days of the passage of this act. At the first meeting of the task force, the members of the task force shall select a chair from the membership of the task force.

(e) The task force shall meet at least four (4) times between June 1, 2018, and December 31, 2018, and may meet more often upon the call of the chair.

(f) The task force shall be administratively attached to the department of commerce and insurance. All appropriate agencies of state government shall provide assistance to the task force upon the request of the task force.

(g) All meetings shall be open to the public pursuant to Tennessee Code Annotated, Title 8, Chapter 44.

(h) No member of the task force shall receive compensation, nor shall members be entitled to reimbursement for actual travel and other expenses incurred in attending any meeting or in performing any duties prescribed in this act.

(i) The task force shall make recommendations for legislation for the next legislative session and report its recommendations to the chairs of the commerce and labor committee of the senate and the business and utilities committee of the house of representatives on or before January 8, 2019, at which time the task force will cease to exist.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, House Amendment No. 2 was adopted.

Rep. Marsh moved that Business and Utilities Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Gravitt moved that **Senate Bill No. 2081**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 2

Representatives voting aye were: Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Cooper, Crawford, Curcio,  
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DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hicks, Hill M., Holsclaw, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

Representatives voting no were: Daniel, Hill T. -- 2

A motion to reconsider was tabled.

**SPECIAL ORDER**

Without objection, Rep. Williams moved the House take up the Message Calendar, out of order at this time as follows:

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1020** -- Real Property - As introduced, enacts the "Short-Term Rental Unit Act" and revises other provisions concerning short-term rentals, including taxation. - Amends TCA Title 5; Title 6; Title 7; Title 13; Title 56; Title 62; Title 66; Title 67 and Title 68. by \*Sexton C. (SB1086 by \*Stevens)

Rep. C. Sexton moved that the House refuse to recede from its action in nonconcurring in Senate Amendments Nos. 2, 3, 7 and 9.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 1020**

Pursuant to **Rule No. 73**, Representative C. Sexton moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1020, which motion prevailed.

The Speaker appointed Representatives C. Sexton, Hazlewood, Marsh and Camper as the House members of the Conference Committee on **House Bill No. 1020**.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1625** -- Sunset Laws - As introduced, extends the department of intellectual and developmental disabilities for four years to June 30, 2022; requires the department to report back to the committee concerning the findings in its 2017 performance audit report. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by \*Faison, \*Ragan, \*Hardaway. (\*SB1531 by \*Bell, \*Gardenhire)

**MONDAY, APRIL 16, 2018 -- SEVENTY-SECOND LEGISLATIVE DAY UNOFFICIAL  
VERSION**

Rep. Faison moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 1625**

Pursuant to **Rule No. 73**, Representative Faison moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1625, which motion prevailed.

The Speaker appointed Representatives Faison, Fitzhugh and Howell as the House members of the Conference Committee on **House Bill No. 1625**.

**HOUSE ACTION ON SENATE MESSAGES**

**\*House Bill No. 2603** -- Licenses - As introduced, requires persons subject to licensure as emergency medical services personnel to notify the commissioner of health of all convictions and pending charges of commission of a felony or misdemeanor within 10 business days of the occurrence of such actions. - Amends TCA Title 68, Chapter 140. by \*Williams. (SB2675 by \*Bailey)

**BILL RETURNED**

Rep. Williams moved that **House Bill No. 2603** be returned to the Senate, which motion prevailed.

**UNFINISHED BUSINESS**

**BILLS WITHDRAWN**

On motion of Rep. Ramsey, **House Joint Resolution No. 1178** was withdrawn from the House.

**MOTION TO PLACE BILL ON CALENDAR**

Rep. Casada moved that **House Bills Nos. 2099** and **2433** be placed on the Regular Calendar for April 18, 2018, which motion prevailed.

**RULES SUSPENDED**

Rep. Casada moved that the rules be suspended in order to allow **House Joint Resolution No. 732** to be heard in the Finance, Ways & Means Subcommittee Behind the Budget Calendar this week, which motion prevailed.

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**RULES SUSPENDED**

Rep. Casada moved that the rules be suspended in order to allow **House Bill No. 1739** to be heard in the Finance, Ways & Means Subcommittee tomorrow, April 17, 2018, which motion prevailed.

**ANNOUNCEMENTS**

Rep. Casada announced the Delayed Bills Committee would meet tomorrow, April 17, 2018, in the Speaker's Conference Room at 2:30 pm.

Rep. Wirgau announced the Local Government Committee would meet tomorrow, April 17, 2018, after the morning Session.

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Gravitt; personal

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 1086** Rep. Whitson as prime sponsor.

**House Joint Resolution No. 1088** Rep. Hardaway as prime sponsor.

**House Bill No. 955** Rep. Cooper as prime sponsor.

**House Bill No. 1854** Rep. Moon as prime sponsor.

**House Bill No. 1981** Rep. Hardaway as prime sponsor.

**House Bill No. 2087** Rep. Cooper as prime sponsor.

**House Bill No. 2114** Rep. Gant as prime sponsor.

**House Bill No. 2275** Rep. D. White as prime sponsor.

**House Bill No. 2381** Reps. Kumar, Ragan and D. White as prime sponsors.

**House Bill No. 2520** Reps. Staples and Hardaway as prime sponsors.

**House Bill No. 2690** Reps. Kumar, Moody and Daniel as prime sponsors.

**House Bill No. 2724** Rep. Sherrell as prime sponsor.

**SPONSORS REMOVED**

On Motion, Rep. Terry was removed as sponsor of **House Bill No. 2348**.

**MESSAGE FROM THE SENATE  
April 16, 2018**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 141; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED  
April 16, 2018**

The Speaker announced that she had signed the following: Senate Joint Resolution No. 141.

TAMMY LETZLER, Chief Clerk

**ENGROSSED BILLS  
April 16, 2018**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 2432;

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS  
April 16, 2018**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 192, 314, 315 and 316; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED  
April 16, 2018**

The Speaker announced that she had signed the following: House Resolutions Nos. 192, 314, 315 and 316.

GREG GLASS, Chief Engrossing Clerk

**SIGNED  
April 16, 2018**

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The Speaker announced that she had signed the following: House Bills Nos. 849, 2279, 2699, 2703, 2705 and 2709.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS  
April 16, 2018**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 149, 901, 1782, 1793, 1837, 1894, 1926, 2217, 2271, 2356, 2664, 2704, 2721 and 2722; also House Joint Resolutions Nos. 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207 and 1208.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
April 16, 2018**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 686, 834, 912, 1512, 1552, 1569, 1701, 1731, 1740, 1773, 1783, 1789, 1803, 1957, 1998, 2036, 2079, 2155, 2196, 2229, 2347, 2377, 2458, 2538, 2698, 2742 and 2746; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ROLL CALL**

The roll call was taken with the following results:

Present..... 93

Representatives present were Akbari, Alexander, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

**RECESS**

On motion of Rep. Casada, the House stood in recess until 9:00 a.m., Tuesday, April 17, 2018.